

## Murray Kempton: A Visit to 'The 51st State'

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## Notes From The Belly of The Whale

BY ERNEST DUNBAR

"God, it sure is good to meet so many black reporters!" Yla Eason told me last month over a glass of Scotch in a Holiday Inn "hospitality suite" at the National Black Political Convention in Gary, Ind. Yla is 25, black, bright and beautiful, with a Plains-style accent that is somehow novel to the Eastern ear. She is tall, with a look-you-in-the-eye directness. The kind of big-boned chick who, if you got into an argument with her, might knock you down, then kiss away the hurt. Lawd! She is the only black reporter on the *Tulsa Tribune*, and heiress to all the special experiences that go with being the only black on a white publication anywhere.

We rapped in the hospitality suite, provided by *Black Enterprise*, a black-owned national business monthly based in New York; crammed elbow to elbow in the room were black men and women from big white dailies, television, the newsweeklies and radio, along with representatives from black newspapers and magazines. Slick as grease and super-hip! Off in Tulsa, Yla meets few black reporters, and she was obviously grooving on the fellowship that prevails when the media "bloods" get together. Trapped as we are in the belly of the whale, we need all the psychological sustenance we can get.

I know something of the "changes" Yla is going through. I was *Look's* first black editorial employee in 1954, and its first black writer in 1958. Ten years went by before another black writer, George Goodman, Jr., was hired; and when the magazine folded last September, that was the total: two. In the *Look* corridors, ad salesmen would sometimes hail George as "Ernie" and to this day, through some postal enigma I'll never understand, mail for Goodman occasionally is placed in my mailbox. At home!

Whether he's in Tulsa or Tarrytown, Watts or Washington, the black reporter is seldom off the firing line. If he works for white-owned media, he is between the shaft and the sweat, lambasted by blacks for cooperating with the honky oppressor, abused by white news executives who are sometimes racist or ignorant, or frequently both. If he works for black media, he is underpaid, overworked, and still not removed from business office sensitivity to advertising and political pressures.

The black reporter in white media is in the most critical situation. Most have been hired within the past seven or eight years, long after more pedestrian industries have integrated their staffs. In addition, many of his white counterparts are not prepared to believe in either his

competence or his objectivity. Sometimes he is asked, as I have been, "If you are covering a black / white situation, how can you—a black—be objective?" The obvious retort is, of course, "How can you—a white—be objective in such a situation?" Usually, the term "objective" is synonymous with "white." The racial unrest of the 1960's and the wall of hostility met by white reporters in the black ghettos, plus the Kerner Commission's criticism of media racial bias, made it necessary for newspapers and television and radio stations to go out and get themselves a black or two. Prior to the middle '60's, blacks were almost as scarce in white city rooms as pimps in convent.

Today black reporters still are being hired but the barriers have merely been moved back a few paces. Black staffers are usually passed up for foreign assignments, desk slots, news executive jobs, or for the higher reaches of reporting such as national correspondents or Washington bureaus. Media executives will feed you all kinds of garbage about black "inexperience" or lack of seasoning while shoving white cats with no more background up the status ladder. And blacks are still vastly underemployed on metropolitan papers, though these papers service communities with large black populations (see box, page 15).

In short, black reporters are still thin on the ground, still dealing with institutional racism of a massive sort in an industry that daily offers ethical standards for others to follow. We come out of different ideological "bags," some of us wedded to "advocacy journalism," some of us schooled in the "objectivity" tradition that journalism schools taught but that the media never practiced, all of us strivers in a profession that kept us out as long as it could and grudgingly accepted a few of us when it had to. We have our own differences: some black newsmen believe that they should only cover "black news," arguing that most white reporters lack both the insight and the empathy to write fairly about blacks; others (of which I am one) would write about anything that's a story since everything affects everything. Whatever their own choice might be, most black reporters are assigned to cover the black community because their editors assign them there. What does that mean for the black newsmen? It means he must be able to go into the black community which has every reason in the world to distrust any emissary from the white Establishment—whatever his color—and convince black sources that he is prepared to deal accurately and fairly with the information he obtains. It means that

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(MORE) Volume 2, Number 4 is published by Rosebud Associates, Inc. Subscription rates: 1 year, \$7.50; 2 years, \$14.00; 3 years, \$17.00. Subscription blanks appear on the back page. All subscriptions and other mail should be addressed to:

P.O. Box 2971  
Grand Central Station  
New York, N.Y. 10017

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## (HELLBOX)

Rosebuds to Emma Rothschild for her perceptive analysis of the ills of the auto industry (*The New York Review of Books*, March 23). Entitled "GM in Trouble," the article demonstrates the failure of that company's reliance on increased productivity as a panacea for declining profits. The showcase for a new effort to maximize the ratio of cars produced per number of employees was to be the Lordstown, Ohio, Vega plant, now beset by major disturbances resulting from worker discontent. The expensive (in excess of \$100 million) factory, hailed by the company for its technological advances, has only served to make work on the assembly line more arduous by increasing the number of cars that must be handled each hour. As implemented at Lordstown, the "speed-up" theory, which dates back to Henry Ford, requires that "no moments are to be wasted: if each worker at Lordstown works one-half of a second more in each hour, GM will save \$1 million in a year, or .05 of its annual profit after taxes." The theory has begun to backfire as line workers rebel against taxing and monotonous dead-end jobs. Nevertheless, Rothschild concludes that there is no reason to expect the American auto industry to alter the nature of assembly-line work since it has "been famously unwilling to abandon the tactics responsible for its early successes, even when those tactics yield diminishing returns."

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It was inevitable that many news organizations would feel slighted over being left off the White House list of reporters, commentators and technicians accompanying the President on the China trip. Obviously, there wasn't room for everyone. Yet it was not simply sour grapes that prompted *Newsday* to note editorially on February 23 that its correspondent, Martin Schram, was "not reporting to Long Islanders from Peking this week."

Although *Newsday* does not have a "body-watch" operation like the news services and the networks, which never let the President out of their sight, the suburban paper had fulfilled all of press secretary Ron Ziegler's criteria for representation. It has a full-time White House correspondent and it had covered the President's major domestic trips and all of his foreign ones. In fact, its travel record was more extensive than some of the favored papers such as the *Chicago Sun-Times* and the *Minneapolis Tribune*. Its circulation of 450,000 exceeds six out of the 15 dailies included on the trip. Furthermore, all of *Newsday's* direct competitors made the list. In the view of CBS News correspondent Dan Rather, *Newsday* has a "clear-cut case" in claiming it was mistreated.

The paper's travails at the White House began last October when it ran a lengthy series documenting the financial dealings of, among others, Charles (Bebe) Rebozo, the President's close friend. From that time until late January, Schram, who was part of the team that investigated Rebozo, says he was unable to set up a meeting with Ziegler. Don Bacon, senior correspondent for the *Newhouse* papers, recalls observing how "Marty was left cooling his heels" in Ziegler's waiting room. (One time, according to Schram, Ziegler even went so far as to sneak out a back door.) Schram also noted that he was omitted from communications director Herb Klein's invitation lists for backgrounders.

Finally, as Schram describes it, there was some kind of a "thaw," and Ziegler assured him that there were no "personal" difficulties between them. The day the China list was to be made public, Ziegler insisted privately that Schram wasn't being excluded because of the Rebozo series. He contended that *Newsday* would be represented by its sister paper, *The Los Angeles Times*. Curiously, though, that criterion was not applied to the two Marshall Field papers in Chicago, the *Sun-Times* and the *Daily News*, both of which sent reporters to China.

Dan Rather, who cited *Newsday's* exclusion on the air, reports that prior to the announcement of the list, he spoke with a White House insider who revealed that, "most people will go and a few will be punished." Another of the "punished" (presumably for its ultra-liberal editorial policy) was the *Boston Globe*, which, while it hadn't made every presidential trip, is without a doubt the most important paper in New England.

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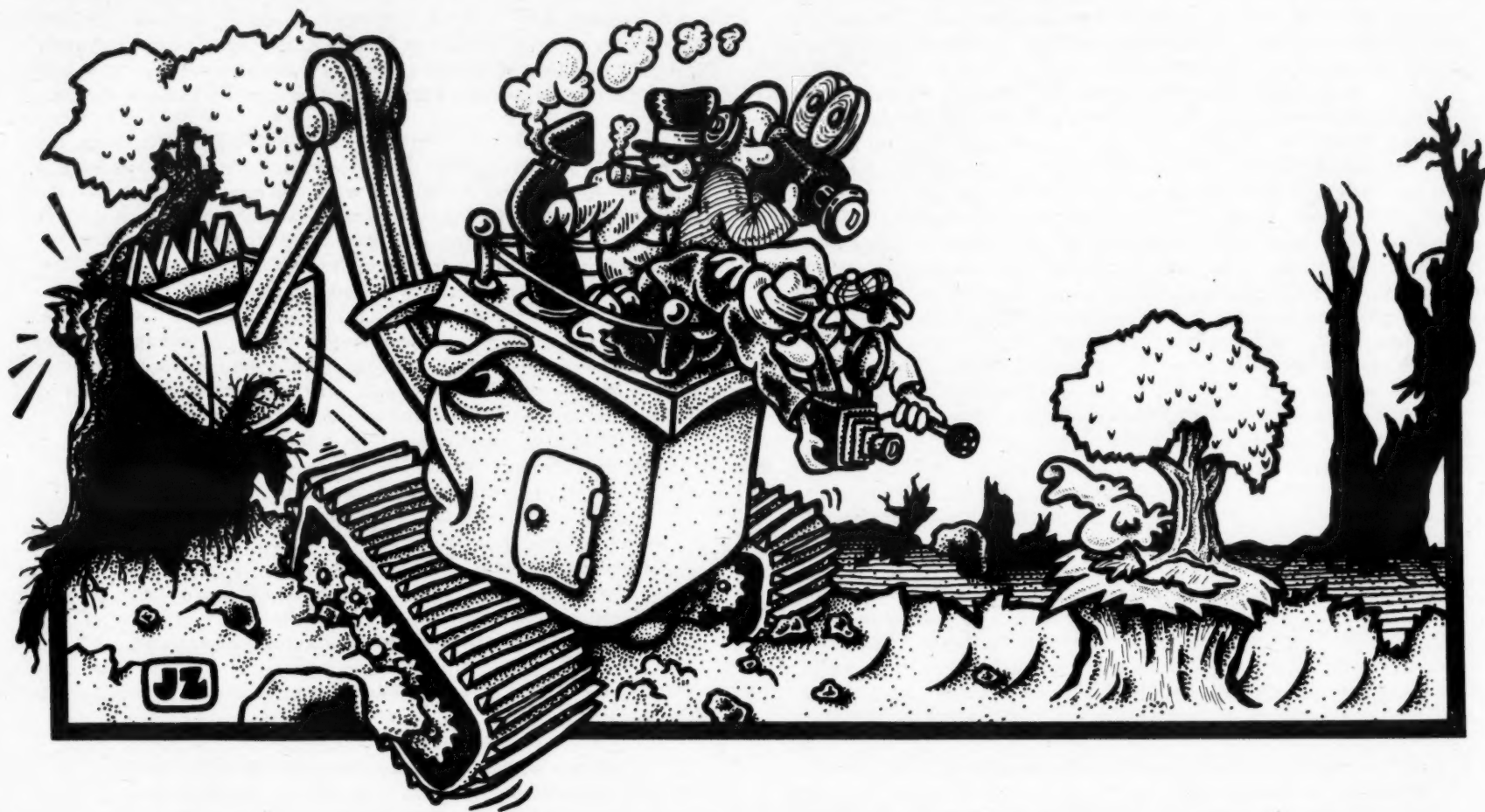
On April 8, the all-white, all-male Gridiron Club, 50 writing journalists who represent themselves as the most distinguished members of the Washington press corps, will hold its annual spring dinner, an event which brings these newsmen together with the most notable of the Capital's VIPs. For the third year, several hundred journalists of both sexes—members of the

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# Stripping Out The Facts

BY ROBERT CASSIDY



"Jerry West loves West Virginia," begins the puff, which shows the Los Angeles Lakers' forward and former University of West Virginia basketball star about to shoot. "He loves it so much, he wants you to see what's being done to keep it beautiful. West Virginia's most valuable contribution to sports keeps an interest in his home state. A deep interest. So when we decided to make a movie to show the people of our state the all-out reclamation effort we're making with our surface mines, we asked Jerry West to get into the act. Because he likes to hunt. To fish. To enjoy what's around us."

The blurb is on a flyer that pushes a 24-minute strip miners' propaganda film called "The Greening of Augusta" (West Virginia's colonial name). It was broadcast last October and January over five television stations—WHIS (Bluefield), WCHS (Charleston), WTAP (Parkersburg) and WTRF (Wheeling)—at a cost, according to the *Charleston Gazette*, of up to \$900 per half hour. "It's something I never should have gotten involved with in the first place," says West, who was persuaded to introduce the film and discuss it afterwards. He says now that he did the introduction not as an endorsement—"I don't like strip mining"—but in the naive belief that the public should be exposed to the coal operators' side of the reclamation issue. He said he thought the film was deceptive. "They were trying to make out like they had totally reclaimed the land," he said in a recent telephone interview. "Hell, strip mining has to do *something* to the land."

Indeed it does. But the coal operators of West Virginia and Kentucky, employing shucks like the Jerry West film, are busily pouring hundreds of thousands of dollars into deceptive media campaigns that would have the nation believe that the industry is mining tapioca instead of coal. The people of the mountains are rightly aroused. In 1969, coal miners staged a wildcat strike in West Virginia to press the state legislature to pass a black lung compensation law. Numerous groups of "abolitionists" have sprung up all over the mountains to push the debate on strip mining. In Kentucky last year, the strip mining and safety issues were prominent in the gubernatorial campaign and will be even more hotly contested in this year's West Virginia race, where Democratic hopeful John D. (Jay) Rockefeller IV has supported abolition in the past.

The theme of all the industry rhetoric is: (1) that coal is absolutely essential to the economy of the two states and the nation, (2) that coal mining is safe, and (3) that the environment is being scrupulously protected. All of these claims have been contested by abolitionist groups

and safety crusaders, but these latter lack the great financial backing that the coal operators come up with so easily. When the environmentalists and safety advocates try to use the law to combat the deceptive advertising claims of the coal owners, they have found that the law is stacked against them. Consequently, they have had to rely on the gimmickry of "demonstration protest," hard leg work, and whatever meagre resources they've been able to scrape up to get their point of view across in the media.

In 1967, for example, pro-strip mining political candidates appeared on WSAZ-TV in Huntington, W. Va., and radio station WPKE in Pikeville, Ky., to brand all who opposed strip mining as Communists. When two community organizers, Joe Mulloy and Alan McSurely, asked to buy time to reply on WPKE, the management refused. They were finally successful in an appeal to the Federal Communications Commission, but by this time the election was history.

Brit Hume tells the story in his excellent new book, *Death and the Mines*, of a television program on which Dr. I.E. Buff, the famous "black lung doctor," showed the thousands of viewers of WHTN, which serves the Huntington-Charleston areas, ruined lung tissue and told them how it could be prevented by stronger health and safety laws. Days later, both Dr. Buff and the station received numerous complaints that the program had been blacked out along the cable television systems that dot the West Virginia hills. Although he was never able to prove anything, despite a complaint to the FCC's Nicholas Johnson, Dr. Buff alleges that the coal companies, which had long worked with the small cable companies by using payroll checkoff to pay miners' cable bills, had used industry pressure to kill the show that night. Hume also writes: "Stephen Young, president of the West Virginia Coal Association, had taken Dick Richmond, the newsman who moderated the show, to lunch prior to the broadcast in an effort to talk the station out of putting it on the air. The station refused, instead offering the association equal time to present its views. The offer was never accepted."

*The Hillbilly* is a "weakly publication" out of Richwood, W. Va., a combination of folksy humor, local history, and conservative political commentary from the pen of its 61-year-old editor, Jim Comstock. It carries such items as "Memories of a B&O Dispatch Man," "The Making of a West Virginia Encyclopedia," and a full page devoted to the editor's ramblings, "The Comstock Lode." In April, 1970, however, Comstock ran out of money and had to fold the paper. The reaction was amazing, even to



the wizened editor: letters poured in, interviewers from national magazines came down to his office, the *Charleston Gazette* offered him a column. But the sweetest support of all came from the West Virginia Surface Mining and Reclamation Association (WVSMRA), the strip mining lobby, which, according to Comstock, agreed to buy 15,000 subscriptions at a total cost of about \$90,000 a year to keep the paper going. Why? Comstock described a meeting he attended at which the coal operators told him, "We want to keep you going because you support surface mining." They raised \$40,000 on the spot to do this, Comstock said.

A more insidious proposal to use the media to benefit coal operators was developed in the U.S. Department of the Interior. When Rogers C. B. Morton, the former Republican national chairman, became secretary, one of his first acts was to hire Harry Treleavan, the man who packaged Nixon's 1968 television campaign, to study the public image of the department. At a fee of \$121 a day, Treleavan came up with the notion that one of the things that was sorely needed was a publicity campaign by the Bureau of Mines, which administers the federal coal safety law, to "sell" safety to miners. Treleavan let it be known that since he had done all the spade work, he should be the logical choice to handle the production—television, radio, and newspaper ads, plus billboards and bumper stickers—at a price tag of between \$250,000 and \$500,000. Fortunately, an enterprising reporter, Tom Bethell of *Coal Patrol*, smoked the scheme out, and Rep. Ken Hechler (D-W.Va.), the man behind the federal coal safety law, got an amendment to the Interior appropriations bill to prevent federal money from being spent on Treleavan's public relations caper, which implied that the miners were at fault in most accidents. Government studies, of course, have proved that 90 per cent of all accidents are the fault of the coal operators.

The Mountaineer Sports Network is an affiliation of some 25 West Virginia radio stations solely for the purpose of carrying the football and basketball games of the West Virginia University Mountaineers. During the current academic year, the network devoted one-fourth the total advertising—about 170 commercials of a half-minute each, or 85 minutes total—to ads by the West Virginia Surface Mining and Reclamation Association, at an estimated cost of more than \$25,000. The ads extol the themes of "Coal, West Virginia, and You. . . Coal, West Virginia, and Safety. . . Coal, West Virginia, and the Environment. . . a Vital Combination." And so on. . .

Last October, a coalition of black lung victims, disabled miners and widows, and strip mining opponents asked the university, which owns the network, for equal time under the Fairness Doctrine to respond to these controversial statements. Represented by two lawyers, John L. Boettner, Jr., and Ray E. Ratliff, Jr. of the Appalachian Research and Defense Fund (Appalred), an OEO-supported public interest law firm, the coalition pleaded that the ads constituted the broadcasting of controversial issues and that all sides were not represented fairly. Since they were all indigent, they asked that they be given free time, if available—which, the university said, was not likely. This request was refused by the station manager at WAJR, the network's flagship station in Morgantown, the

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home of WVU. The lawyers then filed a complaint with the FCC. In December, the chief of the FCC's Complaints and Compliance Division, William B. Ray, ruled that "in view of the limited nature of the programming by the Mountaineer Sports Network, it would not be appropriate to turn to the network for satisfaction of any fairness doctrine requirements. . ." Ray instructed the poverty lawyers to file individual requests with each station and, if these were unsuccessful, to file individual complaints with the FCC.

Boettner and Ratliff have appealed the ruling, and are beginning the tedious negotiations with several stations. (WAJR has agreed to carry two three-hour programs that will feature safety advocates and abolitionists, plus spot ads produced by the complainants.) But the basketball season will be long over before the lawyers can get similar

compliance from the other stations. As Boettner says, "The unfairness of the whole thing is to see what the coal association can do with \$25,000." By broadcasting over a network owned and operated by a state agency—the university—the coal operators have placed the "heavy imprimatur" of the state on their ads, Boettner feels. The university may also be violating the First Amendment rights of the complainants by having the state take sides on a controversy without offering the other side time. Moreover, by using sports programming as the vehicle for its ads, the coal association creates an implicit connection between the clean-cut virtues of football and basketball, and coal mining—a not uncommon practice in the mountains.

During last year's debate in the West Virginia legislature, the coal operators pulled out all the stops. Although the West Virginia Surface Mining and Reclamation Association refuses to divulge its expenses, the costs must have run into hundreds of thousands of dollars for the whole campaign. The most accurate and reliable description of that effort was written by Roy Alexander, president of the Alexander Company, the New York-based public relations firm that directed the assault. Since Alexander's article in the June, 1971, issue of *Coal Age* defies paraphrasing, I will quote extensively from it. He begins with the situation as it was in the dark days after Christmas, 1970, when both Jay Rockefeller and the *Charleston Gazette* had come out for abolition: "The future of surface mining in West Virginia looked bleak," Alexander wrote:

Yet two months later, the tide had turned. The Rockefeller forces found it hard to get legislative support. People started writing legislators asking them to vote against surface mining abolition. Protesting throngs marched on the state capitol. Pro-industry letters inundated newspapers. Citizen groups rose up to defend surface mining as necessary to bread and board. . .

When the legislature adjourned in March, 1971, it had passed a weak bill limiting surface mining growth in non-mining counties. . .

But the massive abolition movement had been soundly defeated.

What happened? The cutting edge was a series of television commercials. These commercials were rushed into production. They were on the air via eight West Virginia stations by early February. They influenced legislators directly and via voter-to-legislator impressions.

"In terms of sheer effectiveness. . . the commercials turned the tide in our favor," says O.V. (Dick) Van Linde, (executive director of the surface mining association).

Even more interesting than Alexander's appraisal of the effect of the ads is his description of how they came into being. According to Alexander, the association started in 1971 with no public relations budget. After Rockefeller's announcement, however, it was decided to call for a special assessment. "A total of \$50,000 over the association's regular budget was raised. This extremely modest budget would allow scattered newspaper advertising. But higher-priced television commercials. . . did not appear possible," Alexander wrote. Enter Robert D. Esseks, president of Sherwood Diversified Services, which owns Oak Leaf Coal Company, a stripping operation in Mingo County, W. Va., and—conveniently—the Alexander Company. In *Coal Age*, Roy Alexander observed:

"Sherwood operates a commercial film division," Esseks told the association. "We volunteer to produce television commercials and donate them to the association. With production costs out of the way, the Surface Mine Association could afford to buy TV time throughout the state."

The association committee [led by representatives of Bethlehem Steel and Consolidation Coal, a subsidiary of Consolidated Oil] . . . was all systems go.

"We certainly appreciate it," association president Gil Frederick told Esseks.

The beleaguered industry was beginning to fight back.

Aided by the loan of three helicopters from a surface miner, the film makers were able to get the commercials on the air quickly. They certainly turned the tide, but not without expense, as Alexander explains:

What did it cost? Sherwood spent about \$40,000 in broadcast time and print space [for newspaper ads].

"For our part, we feel the funds were a good investment," Esseks said. "When a company happens to have a facility that can help its industry in a crisis. . . it should step forward and be counted."

The Alexander Company has gone on to produce a slide show and a slick brochure called "The Greening of West Virginia," as well as the "Greening of Augusta" film that has Jerry West so upset. According to Ben Lusk, the



association's publicity director, about 35,000 of the 24-page, four-color brochures have been distributed throughout the state. The slide show and the film are made available to civic groups and schools.

The strippers of Kentucky have been waging a war of their own in the state's media. In recent months the Kentucky Surface Mining and Reclamation Association has run four-color ads in the *Louisville Courier-Journal* and *Louisville Times* that proclaim "Kentucky: the Proud Land. First in Coal Production. First in Land Reclamation." (This doesn't sit too well with their West Virginia brothers, who see themselves as the Hertz of reclamation.) The ads, which cost up to \$5,000 each (according to newspaper officials), depict a hard-hatted outdoors type examining lush growth on a former surface mine. Another shot shows several cows grazing peacefully on a reclaimed bench at Marshall's Branch, and others show a community center near Jackhorn and houses at Church House Hollow, all built on reclaimed land.

The ads are, to put it mildly, misleading. They show the best reclamation projects, photographed at angles that hide the bare highwalls left by the strippers or the siltation that clogs the streams. Actually, these recent ads are an improvement over ones which the strip miners ran in the early part of last year. Those showed Fishtrap Lake, an Army Corps of Engineers project and reclaimed land at Thompson's Branch. But contrary to the operators' claims, David Ross Stevens, a staff writer for the *Courier-Journal* and *Times*, found that the ads were bunk. Last summer, he visited the sites and reported:

[The] photograph [in the ad] of the mountain-ringed Fishtrap Reservoir is headlined: "These Mountains Have Been Surface Mined." The ad goes on to say, "Reclaimed land can deceive you. You can look at it and never recognize it for what it was. Chances are you won't even know we've been there."

The photo was taken from a boat. About two-thirds of the picture is water. A half-mile away a glimmer of a strip-mine highwall can be seen on the ridgetop, hidden by the trees because of the water-level viewpoint. The highwall takes up about one-thousandth of the entire photograph.

An airplane view of the area shows that, indeed, "These mountains have been surface mined." Extensive strips of mined land wind around the mountains—out of view of the boater, but within the water drainage area of the lake.

Last summer, Stevens talked with Maurice Buchart, the newspapers' advertising director, who told him that company policy was to reject any ad that "might be misleading or deceptive, or that in any way destroys the confidence of the reader." Although the ad department did not have manpower sufficient to check out all claims, Buchart said, he would screen future ads more carefully if there were criticism. "After I wrote that article, I thought we just wouldn't have any more strip mining ads," Stevens told me recently.

But the recent "proud Kentucky" ads—just as "misleading" and "deceptive" as the old ones—have put an end to Stevens' optimism. The pictures show real cows and real houses and real grass, but they create an image that all Kentucky strip jobs are reclaimed that successfully. In truth, these are only the garden spots. They are oases in a desert of barren lands, done principally by one eastern Kentucky coal company, Beth Elkhorn, a subsidiary of Bethlehem Steel. (The ads, however, run under the KSMRA's signature.) Stevens told me, "The whole image of restoration and productive land as depicted by the coal industry is false."

Buchart, the ad director, said that the recent ads are entirely different from the ones run in early 1971, but they do not show what is happening throughout the state. The pictures are "honest," Buchart said, yet they tend to illustrate a situation "where the good work that Beth Elkhorn is doing is typical. It may not be typical even for Beth Elkhorn, and certainly not for the state." The newspaper company has a policy of not offering free advertising, which one abolitionist group, Save Our Kentucky (SOK), has inquired about. SOK's president, James Branscome, admits that the two papers give good coverage to all sides of the issue—Buchart claims the news space is ten times greater for the anti side—but that the ads are so effective, and so expensive, that nonprofit public interest groups like SOK can't hope to counteract the coal operators. Buchart defends his policies by noting that "I don't feel that the paper should inject its personal ideas in this area." He compared the strip mining ad controversy to advertising for cigarettes or X-rated movies. "In a sense you would be taking your advertising medium and manipulating it. It should be available for both sides," Buchart said. Of course, only one side has the five grand.

Like its West Virginia counterpart, the KSMRA has been running its own 30-minute film, "Surface Mining Can Be Done Responsibly," on seven stations that blanket the state. As with the newspaper ads,

## "Where will you find cows that won't get a nose bleed at that allitude (sic)?"

the film leans heavily on several successful reclamation projects by Beth Elkhorn; and, as before, Bethlehem Steel has attempted to dissociate itself from the ads in the belief that the "big corporation" image of an outside firm would damage the effectiveness of the advertising. These suspicions are confirmed by a set of documents which Bethlehem has verified as being legitimate. They were obtained by Ray Harm, a wildlife artist from Chenoah, Ky., who turned them over to the Louisville newspapers.

The "Bethlehem Papers" are several letters and memoranda, and two suggested film treatments dating back to early 1970, between the company and a filmmaker, Elliott D. Sluhan. Although Bethlehem never bought Sluhan's film idea, the documents show clearly that Bethlehem was the prime mover behind the film and the newspaper advertising, and that deviousness was employed in making both. For example, it is apparent from the correspondence that scenes of women from a church in Jenkins picking blackberries at a former Beth Elkhorn strip mine were staged. (Experienced reporters advise visiting the Beth Elkhorn offices around lunchtime with a loaf of bread and a quart of milk in hand. The company officials love to give away jars of "reclaimed" blackberry jam that they buy in quantity from the church group.) Another memo to Sluhan reveals the deception behind the cattle grazing in the film and print ads: "[It] looks like we will definitely get some cows up here this year (we needed Dave [Dave Zageer, Beth Elkhorn's superintendent] . . . with such barbs as 'Show us a cow' and 'Where will you find cows that won't get a nose bleed at that altitude?' [sic]). Lou Quick [Beth Elkhorn's property manager] has leased a section to a local man for grazing purposes, and he really plans to do it."

Perhaps the most damning statement from the Bethlehem Papers is contained in a letter in which J.R. Yourtee of Bethlehem's advertising division advised Sluhan that "The greatest problem is that you are tending to make surface mining into something greater than it really is." The "cold facts," Yourtee wrote, are that strip mining employs far fewer men than underground mining. The other economic benefits of strip mining do little to relieve the general poverty of the region, he noted. Similarly, a draft of the idea for Sluhan's proposed film reveals that both he and Bethlehem were attempting to hide the giant steel company's involvement in the picture: "It is vital to Bethlehem Steels' (sic) interest that the mood, tenor and appearance of this motion picture be one of an honest un-rehearsed (sic) documentary. We the people of Eastern Kentucky look at, speak about and share feelings about our land."

"Any feeling that this film is a corporate rebuttal to criticism over surface mining activity paid-for by Bethlehem Steel, will immediately negate empathy from the favorable heart and mind response sought at this time." (Emphasis in original.) As in West Virginia, where the surface miners are toning down the hard sell, Kentucky's strippers are coaxing with candy.

There are a few bright spots in the coal country media, of course. Some of the radio and TV stations—WAJR in Charleston, for example—do a reasonable job of presenting the issues. The *Charleston Gazette* devotes considerable news space to the subject, and has been strong editorially on both strip mining and miners' health and safety. The Louisville papers are excellent for a city of that size, especially the Washington coverage of coal-related matters. One of the nation's finest weeklies, *The Mountain Eagle*, of Whitesburg, Ky., has long kept people both in and out of the mountains aware of events in the coal fields; but editor Tom Gish is convalescing and the future of his crusading newspaper is in doubt.

Most of the media in Appalachia, however, are committed to an apathetic rehash of the issues, while their advertising acts as a propaganda conduit for the coal industry. The only way "little people" can counteract the enormous financial power of the operators is to risk their lives and livelihoods in direct confrontation. Underground miners have had to go on strike to get black lung benefits. Strip mine opponents have resorted to using their shotguns to keep the bulldozers off their land. Recently, when a group of women from Knott County, Ky., picketed a strip mine, their cars were damaged and their menfolk were prevented from reaching them by company guards. As a result the women had to spend the night on the mountain unprotected from the elements and fearful of their lives. When four men, including Phil Primack of the *Mountain Eagle*, tried to aid the women, they were roughed up by thugs, auto tires were slashed, and a car was overturned. The story got good coverage, but it seems a hard price to pay to get the public's attention.



# An Effort to Break With Tradition

BY MURRAY KEMPTON

## INSIDE THE GUTS [ THE ITALIANS. THE IRISH. THE BLACKS. THE JEWS. THE PUERTO RICANS. THE WASPS. THE WARLOCKS. THE SAVAGE SKULLS. BROOKLYN'S CADMAN PLAZA. THE BRONX'S ARTHUR AVENUE. QUEENS' FOREST HILLS. WESTCHESTER'S NEW CASTLE. LONG ISLAND'S HEMPSTEAD. NEWARK'S NORTH WARD. CONNECTICUT'S NEW CANAAN, ETC., ETC. ] OF GREATER NEW YORK

We're all tied together in "The 51st State."

That's what this new TV program is all about. It takes you where TV's never gone before. To show you life. Inside all those neighborhoods next door.

The New York Times calls it "a new point of TV view and an encouraging alternative to blandness."

Come to television's most unusual news experience.



**10:00  
TONIGHT  
& EVERY  
WEEKNIGHT  
13WNET**

**FEBRUARY 14**

We are introduced to Patrick Watson, cicerone of Channel 13's tour of those flavorful, intimate, undiscovered and consequential moments in the life of New York and its suburbs that commercial television has until now withheld from us. Patrick Watson is a lean man in turtleneck sweater; one's gratification at the promise of informality is allayed by the hard experience that informality on television has so far not taken very long to wind up as condescension. Patrick Watson introduces us to Lewis Steel and Conrad Lynn, of counsel for the Harlem Six, now four, charged with the murder of a storekeeper, held in prison eight years, tried three times, with the jury hung both the last two, and now facing a fourth trial.

"What kind of case was it? How good was the evidence?" Patrick Watson asks.

Traditional journalism had the bad habit of asking such questions of the prosecutor alone. Presumably we are to be redeemed now by the better new habit of asking them of the defense attorneys alone. With heroic honesty, Steel and Lynn concede that the prosecution had a case: "A fingerprint was the difficulty with the jury," Steel explains. At least one auditor, already grateful to the radical lawyers for so many other gifts, thanked them now for a most unexpected one: the preservation of detachment in the first courtroom that had ever surrendered it in their favor. What Channel 13 has abandoned, Conrad Lynn and Lewis Steel here defend.

They are followed by Jerry Izenberg dissociating himself from the Westminster Kennel Club Show. The intent, of course, is to lighten the tone; but the effect is only to remind us that the caste mark of the self-serious is the moment they shift to the facetious whenever they feel called upon to prove that, just because they have substance, you shouldn't think they are ponderous. Izenberg is wonderfully biting when he is intimate and specific; here he is cast as alienated and abstract. The occasion is deplored rather than described, the more telling way to show how deplorable the Westminster Kennel Club may very well be; we are left at the end having learned only that the difference between "Eyewitness News" and "The 51st State" can sometimes be no more than that, where Jim Bouton only tells you only that dogs are boring, Jerry Izenberg has the freedom to tell you that dogs also have scandalous toilet habits. It is commencing to be noticed that "The 51st State's" way of taking us to places where TV's never gone before is to sit us in the studios of Channel 13. And then, at last to Forest Hills, or at least to a film of reporter Harold Levenson pronouncing his severities in that empty Board of Estimate chamber where television has taken us even less often than it has to steps of the Capitol.

Still, the Forest Hills segment is splendid in concept and rather superior in execution to any accounting of that protracted and melancholy event provided by any sort of journalism I have noticed. For one thing, it employs the immense advantage of an historical perspective running across the uniformly paper promise of low-cost scatter-site housing in Queens, from its original assignment to Corona, through the embarrassment of the politicians at the immediate uproar, and to their clandestine snatch of the body and its dumping in Forest Hills. Levenson's imputations are most persuasive: of sinister influence to Samuel Lefrak in the preservation of his tenants' illusions of middle-class security by protecting them from the proximity of public housing; and of disingenuousness to those city planners who seem plainly committed to the proposition that the residents of Queens are so benighted that the only practical device for dealing with them is to sneak past them. It is an effective tale.

Yet, no narrative in "The 51st State's" compass seems to have quite as much chance as it ought of escaping damage by some piety or other. The piety chosen here is the opposite of the conventional liberal ones, and that can be considerable relief. But the trouble with piety of any sort is that the pious cannot resist leaving out some of the story. There are, I should suppose, two consequential points about Forest Hills: (a) many of its inhabitants are affronted by a City Planning Commission whose policies are pursued with the most painstaking care to conceal them from the public and (b) many of its inhabitants are affronted by the prospect of poor Negroes as neighbors. Now I should not suggest that a journalist is duty-bound to remind us of (b), already most unappetizingly aired, when he comes to tell us about (a), until now insufficiently noticed. Levenson knows more about the business than I do; and I am in no position to quarrel with his judgment that bigotry counted for less in Forest Hill's arousal than the sting of the Planning Commission's avoidance of consultation with those



persons most intimately affected by its decision. But the right to one's own chosen emphasis ought not to carry with it the privilege of denying the existence of every other element in a public quarrel. The issue of ethnic abrasion surfaces just once to be sunk without further trace by Mrs. Beverly Spatt, a former member of the City Planning Commission who certifies that the project's opponents "were people of goodwill" and that "this was not a racial issue." I should judge that there are pickets at Forest Hills who would be as surprised as anyone else to learn that objections to color, as well as class, had not stirred them to motion. You commence to feel that "The 51st State" has fixed its posture, that it stands against City Hall and for the neighborhoods—be they *barrio*, ghetto, or white enclave—and that, in the great cause of resistance, we shall have many simplicities to endure.

There is an extra half-hour tonight for a discussion of Levenson's report by variant citizens of Queens, a majority coming from local planning boards abraded by the disdain of the City Planning Commission. There is also a cadre of the project's supporters, the accustomed trio of sardonic Jewish liberal; wounded, still courteous black; and one of those monsignors the Church keeps safe in the Archdiocese. "My impression," Patrick Watson begins, "It's that this is a story of the failure of participation." He is disputed by Herbert Kahn of the Queens Council for Better Housing; Watson hopes that Kahn will give someone else a chance to speak. We are, I'm afraid, in a theatre whose directors are so obsessed with reducing every issue to a single point that their civility will not long survive the intruder who persists in raising the one that didn't fit.

## FEBRUARY 15

Begins with films of two of today's events, neither of which happened. First the United States Commission on Civil Rights hearings on maltreatment of Puerto Ricans. An element of that community alleges further maltreatment in denial of its preferred proportion of witness list to Puerto Ricans. Bomb threat. Chairman Hesburgh says, "We are adjourning this meeting" and recommends all present depart as quickly as possible. Then to the courtroom where friends and family of the Harlem Four had hoped to see them freed this morning. Instead Supreme Court Justice Martinis will wait until March 8 to decide whether to dismiss the case or subject the defendants to a fourth trial. A defendant's mother is heard to say, "There is no justice in these courts, especially for the black man."

These two scenes—neither an event—are to be the evening's full ration of what journalism calls the breaking news. They are, to be sure, by no means without use for describing life in a city where anticipation is so regularly followed by disappointment that four out of five stories labeled on the future book as "breaking" are, in truth, barely breathing. Every reporter on the street ends up engraved with the lesson that if upon this day the judge is expected to rule, he will appear only to announce a three-week postponement, and that, if there is appointed a public forum on some subject of transcendent passion, it will either be called off or dissipate into the vapors of, say, Congressman Edward Koch intensely instructing empty chairs. For, if TV has one daunting problem in taking us to places where it has never gone before, it is the condition that, as often as not, no one is there when we arrive.

Newspapers can deal with such failed occasions by consigning them to "D" heads. The television frame has no room in it for any such exercises in proportion: if a story is used at all, it has a monopoly of the screen for the time allotted to it. And then television has an especially heavy investment in any of its disappointments; the city's pattern of breaking promises wastes the time not merely of reporters but of film crews. The weight of material that must be committed to any news editor's choice makes it peculiarly difficult for him not to be stuck with the result; after all, any piece of film, however empty of consequence, is better than the confession that you have no film at all.

"The 51st State's" staff credits take 12 seconds to pass in review; still, viewing the product hardly increases your confidence that all of them are working full time; the parade seems much more persuasively a flourish of part-time contractors for an enterprise whose budget is far skimpier than its managers want to confess or the detractors of public television would concede. If that be the case, the unfulfilled prospects of the Puerto Rican hearings and some ruling on the Harlem Four could well have used up all the camera crews at "The 51st State's" disposal. Its news editor chose wrong then; but then he is the victim of a sport where even the richer players are almost bound to choose wrong.

Those catastrophes that Bert Powers used to visit upon the newspapers—when there were enough papers left to suffer—cast me twice into odd-job work as a television journalist, once as blitherer and once as apprentice craftsman for persons more galvanizing than myself as blitherers. The experience left me with considerable respect for its

practitioners and the conviction that television journalism is very much like hockey, both being superb games impossible to play and desperately dependent upon the factor of accident. I have always suspected that the films of Maurice Richard's 500 goals would suggest that a majority of them did not come off his stick at all but were kicked in during the distractions of some mess around the crease. The achievements of television journalism—and they seem to me by no means as contemptible as Channel 13's flacks suggest—can similarly be credited to a heavy proportion, if not of plain chance, at least of advantage taken of the opportunities of disorder. You need miles of film for the few feet that really reward. You cannot plan; you can only watch and trust in some lucky break provided by a stranger. Absent that, you are stuck with the film of a stage empty except for your voice asserting that it is most portentously populated.

Since the event itself is so generally out of reach, most spot news film is only the ruin of the aspiration of immediacy; and, in the end, "The 51st State" must depend on the background news feature to establish its difference from the television journalism we are used to. Tonight's background feature engages the murder of Peter Detmold, an occurrence six weeks old. Detmold was an unwearied enemy of incursions of the commercial builders upon the Turtle Bay neighborhood he grew up in. The films of the area he tried to defend and the memories of his companions against aggression all suggest an affecting and admirable personage. But guts, I am afraid, cannot permit his life to rest most tastefully there; of a sudden, "The 51st State" reaches for our inference that Detmold's murder was contrived by his enemies, implicitly the builders. The documentary evidence for this proposition is nothing more than a headline in the *Gramercy Herald*, which does not state the charge but only raises it as a question. But such an implication need only be suggested, of course, to cast a most unpleasant shadow upon any filmed interview with someone who quarreled with Peter Detmold in life. The one specimen so unfortunate is Donald Elliott, chairman of the City Planning Commission. Robert Anson, "The 51st State's" interviewer, suggests that Detmold's stubborn service to his neighbors must have brought upon him a cluster of personal enemies, and Elliott replies that "We had a very good personal relationship."

The camera passes to City Councilman Carter Burden who is laughing. "They were beyond speaking," he affirms. Perhaps there is guts in cross-cutting of this sort; but there will be those who think there is considerably more plain spite. We don't need to question the accuracy of Burden's witness to feel that common gentility would impel Donald Elliott to deny, perhaps even to forget, that his relations had not always been amiable with someone who seems always to have been a gallant foe and who is now dead under conditions with the fairest claim on human sympathy. An Elliott who spoke or felt otherwise would be a monster. Yet his statement has only to be offered to be set against a mocking refutation. We are left with something less than the right to tax "The 51st State" with having asserted that what we have heard from Elliott is the kind of disclaimer that cops get from suspects; and yet, if it would not to serve such an inference, then what purpose can this procedure have?

Councilman Burden returns as witness to a perfidy of the builders which does succeed in suggesting that even murder might not be an unthinkable notion for them. Once, he says, he received a letter from Lawrence Wien threatening that "any opponent I had would be well-funded." Anyone who dreams of outspending Carter Burden in a political campaign is plainly so possessed by megalomania that you can thereafter believe him capable of anything. Finances, Carter Burden explains, are a tremendous weapon; many of his brother Councilmen serve landlord interests; Robert Anson, asks "Who?" and Councilman Burden, in his civilized way, answers that he wouldn't want to mention names.

Now the proper thing for a reporter to do with any utterance which begins with a flat charge and concludes with the refusal of supportive detail is to throw it away. Traditional journalism has scarcely been faithful enough to that standard; but reform is hardly advanced when the reformers can overlook it with every show of assurance of how much more virtuous they are than anyone else. There are a lot of places TV's never taken us before; but the area of innuendo is one place we've been.

## FEBRUARY 16

Longest time segment given over to consideration of bi-lingual education of school children. Introduced by Jose Garcia with reference to city's habit of "educational slaughter of Puerto Rican children." Films of pupils being taught alternately in English and Spanish; their instructor has a charm and the proceedings a gaiety which persons with no association beyond the dour visage of Albert Shanker must long ago have assumed that the United Federation of Teachers had managed to eliminate from their system. Children at once straining and enjoying themselves, a sight rendering impossible anything but enthusiasm for any species of education.

(continued on page 17)



# Some Mad Predictions

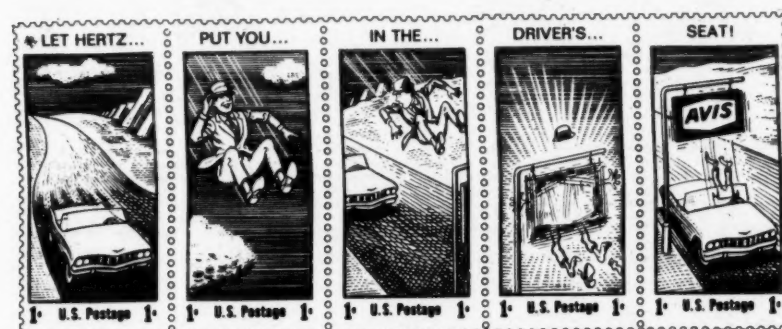
BY LYNN SHERR

Since it was born as a comic book nearly twenty years ago, *Mad* has accurately reported a number of developments on the American scene before any other publication. In fact, before they even happened. Over at their offices on Madison Avenue, they call it "Mad ESP." "We've predicted reality so often, it's scary," says editor Al Feldstein.

*Mad* has never cashed in on its predictions. To the contrary, publisher William C. Gaines staunchly objects to any kind of merchandising, and has turned down everything from Alfred E. Neuman hamburgers to *Mad* candybars. He says he doesn't think it's right to exploit the kids that way. Anyway, a magazine that sells 1.8 million copies off the

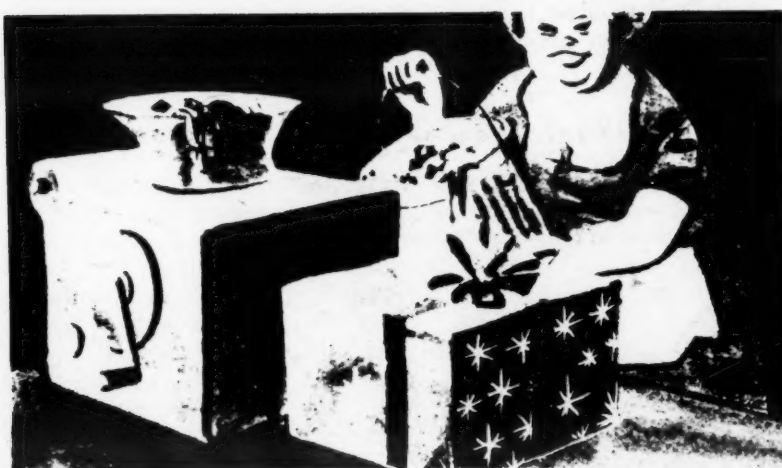
stands each issue, plus subscriptions of 100,000, doesn't exactly need hamburgers.

Of course, not all *Mad* fantasies have come true. For instance, there has been no corroboration of the fictional memo in Ralph Nader's wallet from a public relations firm, exulting over how they'd just found him another "limited supply of 'ill-fitting suits'." And no one has rushed into production with the individualized caskets designed in a recent issue—you know, the postman is laid out in a mailbox, the housewife in a vacuum cleaner, the construction worker in a giant tin lunch box. But who knows what entrepreneurs are at work on the idea right now.

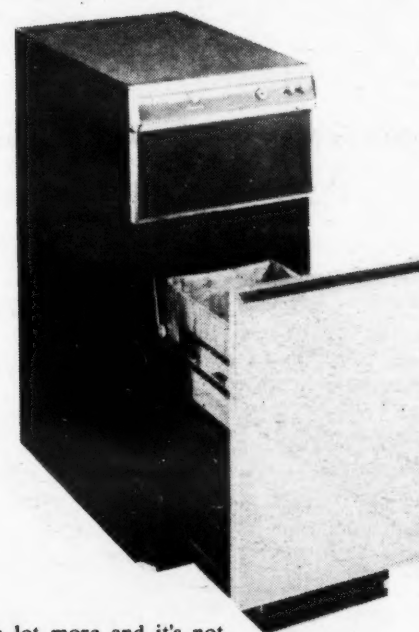


*Mad* called it "Licking the Problem" (left) when writer and artist Al Jaffee dreamed up postage stamp advertising to save the U.S. Post Office Department some money in a July, 1966, issue.

Nearly six years later, Pritchard Advertising, Inc. put salad dressing and Hawaiian Punch on stamps to propose exactly the same solution (above).



For \$34.95, the vision of writer Al Jaffee gave us the Garbage Packager in 1961—an "amazing new machine" that turns left-overs into "a breathtaking, beautifully-wrapped gift package."



Today, it costs a lot more and it's not even gift-wrapped.





Mad writer Arnie Kogen and artist Bob Clarke thought it was a pretty funny idea to make Ringo Starr and his girlfriend look-alikes in this fictional version of a snapshot from Ringo's pocket in a 1964 issue (left).

Here's what Ringo's girl friend really looked like in a news photo that ran in papers in February, 1965.



Typically ignoring such political issues as the "missile gaps" back in 1960, Mad writer Sy Reit and artist Bob Clarke whimsically suggested that ICBMs be used to dump the nation's expanding trash heaps into boundless outer space.

## NUCLEAR ENERGY—ITS PEACETIME USE

Interview With James R. Schlesinger, Chairman, Atomic Energy Commission

We want to do better than that in the United States. We hope to remove these wastes permanently from the environment of man, and that means for tens of thousands of years, because, for example, some traces of plutonium—which has a half life of 24,000 years—remain in the waste.

We are confident that the salt mines provide a safe storage place—even in this kind of geological time frame. In addition to that, we are exploring other methods of disposal, including encouraging the National Aeronautics and Space Administration to look into the cost of shooting these high-level radioactive wastes into the sun—taking them right out of the world.



Q Dr. Schlesinger, how do you assess public acceptance of the atom today as compared with 25 years ago when the atomic age was just getting under way?

A I think that it is improving in some respects, but in others it is deteriorating.

At the end of World War II, there were great expectations—probably too great. People got the notion that you could drive ships across the ocean with an atomic engine about the size of a pea. There was a romanticizing of nuclear possibilities with little appreciation of the technical difficulties that would ultimately be encountered.

Now these difficulties are staring us in the face, and this has led to concern and disenchantment on the part of many serious-minded citizens. I don't think that this is widely shared by the general public, but there is at the present time some degree of public disenchantment with things in general. At the extreme, there's an anti-everything movement.

feeling that nothing is working. Government is bad. Industry is bad. The press is bad.

In the energy area, one hears slogans: "Let's stop building nuclear plants," and "Let's stop strip mining," and "Let's stop exploring for oil," and "Let's stop providing port facilities for tankers."

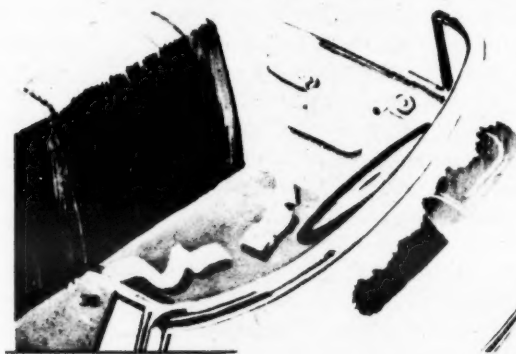
But that would lead quickly to something else. What it really means is: "Let's stop air conditioning," and "Let's stop the dishwashers," and "Let's stop the dryers." I think that a number of vocal people have missed that connection. But as far as members of the general public are concerned, they understand that cutting off sources of energy, which are the base for this country's standard of living, would change our way of life.

Q Is the average citizen ready to accept an atomic power plant in his neighborhood?

A I think there is widespread public acceptance of nu-

You've probably heard of the "space junk" orbiting around out there already. In February, Dr. James R. Schlesinger, chairman of the Atomic Energy Commission, suggested that atomic wastes might be disposed of by shooting them into the sun—"taking them right out of the world."

**PROBLEM:** Having seat belts, but forgetting to use them.



The problem for artist Bob Clarke in 1964 was, how to get people to use their seat belts. His solution: a seat belt buckle wired to the ignition system so that you can't start the car without buckling the belt.

**SOLUTION:** "SEAT BELT STARTER-LINK"

Seat belt buckle is wired to the ignition system so that the car cannot be started without fastening the seat belt.



No photos yet, but several automobile companies have tested prototypes of the wired seat belt. Industry sources say it's only a matter of time.

# Changing Signals in Boston

BY ARNOLD REISMAN

If you've never heard of Boston's Channel 5 fable, wait. They're bound to make it into a novel or a movie or a Broadway musical or, at least, a mixed media concert. Actually, right now it's the television industry's longest-running soap opera. And it's hard to believe that what's been going on *really* has been going on. It's as if the script for this case study of the breakdown of American bureaucracy had been devised by Kurt Vonnegut.

Unless something unforeseen happened right after press time, Boston TV viewers flipped on Channel 5 Sunday morning, March 19, and found WCVB-TV, a locally owned and operated ABC affiliate. The catch is that up to that day, and for nearly 15 years, Channel 5 was WHDH-TV, a locally owned and operated CBS affiliate. The switch is the result of a two-decade battle involving local applicants for the station's license, the federal courts and the FCC. In particular, it is the result of a nine-year war between the Boston Herald-Traveler Corp. (owner of the morning daily, WHDH-TV and two radio stations, WHDH-AM & FM) and Boston Broadcasters Inc. (owner of WCVB-TV, call letters in search of a station), of a game of musical chairs among FCC chairmen, of rules that change with the weather, of legal and extra-legal shenanigans. WHDH-TV goes down in the books as a First: No other company has operated a station, that it didn't really own, for so long and lost it.

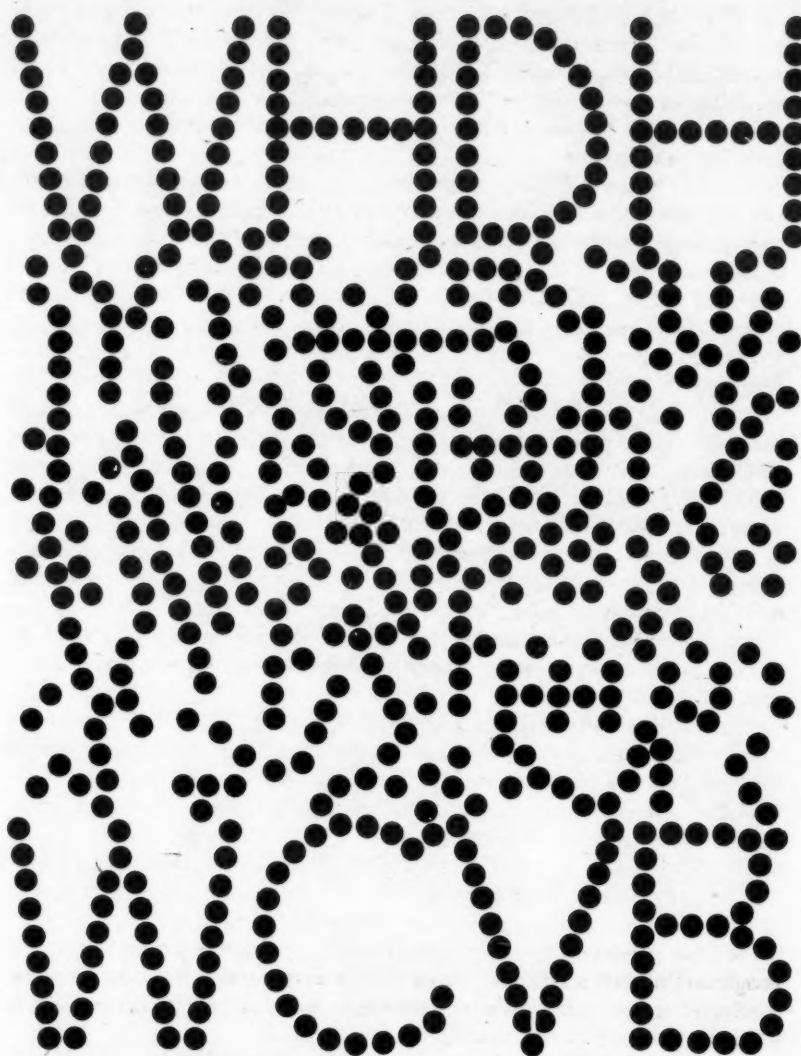
**W**HDH-TV originally began broadcasting November 26, 1957, ten years after filing for a license, which it never got. Because of remaining challenges from three other contenders, the FCC only granted WHDH-TV a program test authority (a temporary permit good for an unstipulated amount of time). The Boston Herald-Traveler (H-T) had beaten back Greater Boston Television Corp., Massachusetts Bay Telecasters, DuMont Laboratories Inc. and the *Boston Globe* (that other daily, which here acted as an intervener rather than applicant) and established itself on Channel 5. Then the real trouble began.

No one is altogether sure why somebody up there does not like WHDH-TV, but the reason for this foggy becomes crystal clear when you examine how the station got bumped off. One way of looking at it is that Robert Choate, president of the H-T Corp. in the early years of the channel swim, took an advance on his \$50 million meal ticket (the suggested worth of the outlet) and blew it all on a lunch. Before a House Subcommittee on Legislative Oversight in April, 1958, FCC chairman George McConaughy brought up two *ex parte* (exclusive of those who have a right to be present) lunches he had with Choate at the end of 1954 and in the spring of 1956. Exactly what the two men talked about in Washington's Statler Hotel dining room remains a mystery since both men were inclined to keep altering their stories until they died. However, the most circulated story of the celebrated second lunch is that the topic of conversation was the Harris-Beamer bills, which if passed would limit the FCC policy of encouraging diversification of ownership of mass media and which the chairman had opposed before Congress. Choate allegedly tried to give McConaughy a draft amendment to the pending bills that might temper the chairman's opposition. McConaughy paid him no mind and Choate paid the check.

Choate then became *the* issue by politically exposing himself in a public place. Suspiciously, what wasn't the issue was the fact that the FCC chairman was very big on lunches. By the end of 1956, he had dined with applicant Forrester A. Clark of Massachusetts Bay Telecasters at the Mayflower Hotel, supped with applicant Allen B. DuMont of DuMont Labs at the Raleigh Hotel and met (whether actually over lunch is a moot point here) with William D. Taylor and John Taylor, president and vice-president of the intervening *Globe*.

So, there was a special examiner's hearing on the matter of impropriety, and on September 23, 1959, examiner Horace Stern sifted through the lunches and issued clean bills of health for Choate and McConaughy. But, the FCC still looked askance and chose to make an example of WHDH's "conduct," about with the commission and the courts have waxed moralistic ever since. On September 25, 1962, the FCC chalked up a demerit for Choate and issued WHDH only a four-month operating permit (instead of the regular three-year license), because of "inroads made by WHDH upon the rules governing fair and orderly adjudication considering it demonstrated an attempted pattern of influence."

As WHDH came up for renewal at the end of the four-month period, the FCC took the unusual step of throwing open its doors announcing a 60-day "safe" period for competing applicants to file for comparative consideration. And Boston Broadcasters Inc. (BBI), Charles



River Civic Television Inc. (CRCT) and Greater Boston Television Corp. (GBT) came running. While the applications were arriving and while WHDH was protesting the resurrection of the impropriety issue, Choate died (December 21, 1963). And in death he became another issue.

Does Choate's so-called sin taint the rest of WHDH? There was a special examiner's hearing on the matter, and on August 15, 1966, examiner Herbert Sharfman concluded that the taint passed with Choate's passing and favored grant of renewal to WHDH. Sharfman also noted that any other verdict would be tantamount to vengeance. He claimed, however, that WHDH was not entitled to competitive advantage for renewal because of its special abbreviated authorization (Wait a minute! Doesn't this throw us back to Choate?), which is to say that its past record of performance is immaterial in competition. Everyone should be considered a "new" applicant in this case! But then again, Sharfman suggested that it would be ridiculous to put aside a fine record of performance and to focus on another contender's sheet of promises (hence, his favoring of WHDH). Yet, the only thing the FCC seemed to remember from this hearing was the "not entitled" remark. "Unique events and procedures," the commission was to note one way or another over and over, "place WHDH in a substantially different posture from the conventional applicant for renewal." Something like prone.

Another way to look at WHDH's undoing is by way of the diversification issue. The FCC has never been too keen on adding to a mass-media conglomerate, yet such thinking seemed to go by the boards when WHDH was initially granted permission for Channel 5. Maybe it didn't come up because the commission was aware of the fact that the Herald-Traveler Corp. made little threat of monopoly, there being in Boston countless radio stations, several TV channels and two other dailies—both surpassing the *Herald* in circulation. But from the middle of the '60s to the present, FCC judges and commissioners have made it quite clear that it's easier to hand out a license to him who has the least amount of fingers in media pies. And one hearing even saw the *Herald* chastized for withholding a story one day from WHDH so the newspaper could have its scoop.



As irony of ironies would have it, however, the FCC may diversify the *Herald-Traveler* out of existence by pulling WHDH off Channel 5. The H-T Corp. January 11, 1972, sent a letter to the FCC contending that the newspaper could "not survive the loss of the television revenues." However, on February 16, refusing to stay WHDH's execution, the FCC claimed that the H-T Corp. had not shown it would suffer "substantial and irreparable injury." Six days later, lawyers for WHDH claimed in the U.S. Court of Appeals in Boston that the loss of the channel "would result in the loss of one of Boston's two standard-sized newspapers"—the other being the not-so-troubled *Globe*. Only time or a leak will tell if the obituary is premature.

If the FCC decides to believe several challenges made within the H-T appeals, it will note (which it hadn't at press time) the lack of "diversification" purity in the ranks of BBI (which first won the channel in a January 22, 1969, FCC decision and then got the green light for an actual takeover date in a January 21, 1972, FCC decision). H-T has charged that Matthew Brown, BBI's chairman of the board, and Martin Hoffman, BBI credit manager and stockholder, have large holdings in cable TV enterprises.

As for the contending Charles River Civic group, the courts frowned on its ownership of WCRB, a local radio station primarily dedicated to "serious" music. And, though the courts and commission didn't take much notice, Harold Clancy, the present H-T president, frowned on the "fact that more than 50 per cent of the stock of *The Wall Street Journal*, which blasted the *Herald-Traveler* for alleged Mafia connections, is under a trustee who is one of the organizers and who remains, through his wife, one of the principal owners of Charles River Civic Television." And as for the Greater Boston group, the final applicant, well, they just never found an antenna site, a prerequisite for a channel grant.

The U. S. Court of Appeals then knocked WHDH for not airing enough editorials and for not having the integration of ownership and management that BBI proposed (six of its stockholders are designated with full-time management functions). As to this last point, Louis L. Jaffe, Harvard professor of administrative law, points out in his article on this case (*Harvard Law Review*, June, 1969): "The Commission assumes that the owner-manager will be more sensitive to the community's needs than a manager who is reporting to an absentee owner...A resident manager may indeed feel pressured by an absentee owner to maximize profits by shoddy programming. But a manager whose own investment is at stake may also be motivated to discount community interests, particularly if the investment is a substantial part of the manager's total capital."

The FCC vote that delivered Channel 5 to BBI (January, 1969) added more nonsense to the case. Commissioners Bartley and Wadsworth favored BBI, Nicholas Johnson sided with BBI (but implied he could have pushed himself into the Charles River camp), Robert Lee favored WHDH, two others were absent and Chairman Rosel Hyde just threw his hands in the air and pleaded confusion (casting no vote). So, two, maybe three members of the seven-headed FCC held sway.

Johnson also followed up his casual approach to power plays with: "The door is thus opened for local citizens everywhere to challenge media giants in their local communities at renewal time with some hope of success." The TV industry popped a tube. Is nothing sacred? The pressure was on. And soon judges and politicians were quickly trying to change "some" hope back to "minimal" hope. And the FCC, exclusive of Johnson, tried to soothe brows with "Now, now, this is a special case!"

Twice in 1971 the U. S. Supreme Court looked at the Channel 5 case, blinked and tossed it out. Then, in the last big vote (January 21, 1972), the FCC ordered WHDH off the air and BBI's WCVB on by 3 a.m. March 19. And, of course, all BBI got out of the deal is that program test authority—not a license, but a temporary permit. Which means the ball park has been changed but the same game is still going on. WHDH will now make its appeals as the visiting team. FCC members claimed their hands were tied by the December 29, 1971, Appeals Court decision that the commission's awarding of a construction permit to BBI (July 29, 1971) closed the case. If so, then why wasn't the 1957 WHDH construction permit a finality of some sort?

And in this final vote there were two abstentions, one absence and four mixed votes for BBI: Johnson and Bartley went quietly but Robert Lee and Chairman Dean Burch (Republican) made their gripes known. Lee, who had consistently opposed the switch in station ownership, noted the court mandate: "I have no choice, under the law." Burch labeled the FCC history of the Channel 5 case "irrational decision-making...stark and obvious...I am puzzled how they passed muster...a process so rent with glaring error does not commend itself." He noted that the *ex parte* lunch is still being digested, and concluded: "All the views have been threshed out before the courts, and the court's mandate must be followed...but I cannot help but feel...an unconscionable injustice has been done here."

Again two out of seven held sway.

Boston Broadcasters, Inc., is a group of businessmen and professionals with ideas that looked better on paper at their inception nine years ago than they did last month as they were about to materialize. The president is Leo Beranek, communications engineer and research consultant. Board chairman Brown is a lawyer and special justice of Boston's Municipal Court. The general managers are Robert Bennett, former general manager of New York's WNEW-TV, and Richard Burdick, former general manager of Philadelphia's WHYY-TV (a public broadcasting station). Oscar Handlin, Harvard history professor, is editorial board chairman. And the news director is Larry Pickard, formerly of ABC-TV news. Put them all together and what have you got?

First of all, what you haven't got is the CBS network, which decided to hitch up with WNAC-TV, Boston's Channel 7, which in turn put ABC up for the grabbing by BBI. Then again what you have got at BBI is a "slight demerit" from the powers that be for "its insufficiently supported proposal for local live programs." Which is to say that in a fit of profuse zeal BBI projected a local-origination budget of 36.3 per cent of its projected 160½ weekly hours. That would mean that they would be on the air about 23 hours a day, a bit much for any city and overwhelming for Boston. However, by the time they publicly announced their actual programming, the total air time was down to 130½ weekly hours (including repeats). And about 90 per cent of their program prospectus filed with the FCC failed to show up in this announcement (February 24, 1972).

BBI has made sure that Channel 5 viewers would hardly notice the difference after the station changed hands. Most of the WHDH news team, considered by many to be the best in Boston, has been retained. According to reliable sources, the two biggest stars, anchorman Jack Hines and sportscaster Don Gillis, will be getting salaries of \$75,000 each plus 200 shares of BBI stock for \$2000, which is \$28,000 less than the market value. (Many off-camera personnel hired from WHDH are taking sizeable cuts in pay.) The familiar faces will occupy the familiar slots. For example, John

**As irony of ironies would have it, however the FCC may diversify the *Herald-Traveler* out of existence by pulling WHDH off Channel 5 . . . The newspaper (contends it can) "not survive the loss of the television revenues."**

Henning, the weekend anchorman, was slated at press time to play taps for WHDH on March 18 and reveille for WCVB on March 19. The magazine-format news and public affairs program, "The Week Ends Here," is re-appearing as "Seven Days' Journey," cut back to half an hour but with the same producer and part of the same staff. It's not surprising that BBI wanted to hold on to the highest-rated news team in town, but one wonders what happened to all the promises of innovation set forth in the license challenge. Instead of offering fresh talent, BBI is serving up the tried and true, supplemented by some lackluster veterans such as Arch MacDonald, Bob Clinkscale and Mary McCabe.

Back in November, 1970, H-T president Clancy said that the loss of the station would have "a very bad financial effect" on the paper but would not force it to close down. A year later, however, his new tune was sounding something like a dirge. The H-T Corp., which does not break down financial statements on its individual interests, reported for 1969 a net profit of \$2.8 million, for 1970 a net profit of \$2 million and for 1971 a net loss of \$300,000. That's what happened *before* any elimination of TV revenues. The following are estimated givens in local circles: that WHDH-TV grosses about \$7 million a year, that WHDH-AM slides comfortably into the black and that WHDH-FM stumbles into the red. Thus, the paper must be losing heavily. After the January, 1969, decision for BBI, according to *Forbes* magazine, the H-T Corp. stock fell 55 per cent.

Once a powerful Yankee paper, the politically conservative *Herald-Traveler* now sits on the sidelines when it should be giving the politically liberal *Globe* a run for its money. The *Record-American*, a Hearst tabloid, was once the leading paper in terms of circulation, but that was before it stopped printing the "number," which meant so much to gamblers. Now with a readership of about 400,000, the *Globe* is in first place. The *Herald* has fallen back to something around 200,000. Estimates have it that the H-T Corp. has spent at least \$2 million in legal expenses since the beginning of the TV battle. Some media watchers point to this as a reason why management may not have paid much attention to its paper.

Some observers say the *Globe* is trying to put the *Herald* out of business because the *Herald* once was trying to put the *Globe* out of business. According to Judge Stern's findings (which reviewed McConaughy's meals and stood Choate in good stead), the Taylors—the *Globe* president and vice-president—came to Washington in January,



1957, three months before the FCC awarded Channel 5 to WHDH, and began filing petitions of intervention against the H-T Corp. The Taylors contended that if H-T got Channel 5, the tough fight between the two papers would become a jeopardized competition. While continuing to yell "unfair," the *Globe* sided with applicant Greater Boston Television.

Rumors ricocheted wildly that Choate threatened to use the TV station to drive out the *Globe* and that the Taylors threatened to use anything to drive out the *Herald*. Eventually, the Taylors managed to get the ears of at least a dozen upper-echelon politicians in Washington and of every FCC commissioner. And who knows what that did to the flow of things? Whatever, after two-and-a-half years of intervention, the *Globe* officially called it quits with this case in July, 1959, two months before Stern's *ex parte* hearings concluded. And since then the *Globe* has tended to play down the *Herald's* side of the story.

Rumors of the *Herald-Traveler's* imminent demise have been around for nine years, ever since the FCC threw open the doors to all comers for the Channel 5 license. And with the talk of folding came the whispers of merging and buying. The Knight newspapers, the Newhouse chain, *The Washington Post*, Hearst and the *Globe* have all been bandied about as likely purchasers. Most of this is just not true. Most but not all, because Hearst is indeed in the market for a new *Record-American* printing plant, like maybe the *Herald's*. Therefore, a merger of these two Boston papers is a possibility. One could fight the strong morning *Globe* and the other could be used to fight the weak *Evening Globe* (mainly composed of warmed-over morning features).

The battle for the station will doubtless continue. WHDH has launched an ad campaign in the local papers petitioning for citizens concerned for the future of Channel 5 and for the work of WHDH. The H-T Corp. has also launched an attack on BBI's integrity. They have been hammering away at Nathan David, a BBI executive vice-president and stockholder who was named last summer in a Securities and Exchange

Commission civil suit alleging sales of unregistered stock. The FCC responded by ordering BBI to separate itself from David pending the outcome of the proceedings. Then, two months ago, H-T charged that *Harvard Business Review* editor Edward Bursk, a BBI director, had assigned all of his stock to another company without reporting it to the FCC. At press time, the commission had yet to comment on this complaint.

Many Channel 5 watchers feel that the present composition of the FCC is such that the H-T would win Channel 5 if the 1969 vote were taken today. Thus, the FCC has been chiefly responsible for botching this case. In the 1969 vote, commissioner Johnson (Democrat) said: "I take no present position on the merits of continued newspaper ownership of broadcasting properties in markets where there is (sic) competing media. But I do think it is healthy to have at least one station among these politically powerful 33 network-affiliated properties in the major markets that is truly locally-owned and managed independently of the other major local mass media. It is a step, however small, back toward the Commission's often professed but seldom evidenced belief in the benefits of local ownership and media diversity. It is, at the very least, an interesting experiment which will be watched carefully by many."

That sort of says it all. Or, as Professor Jaffe (in the *Harvard Law Review*) says about this statement: "One wonders at the power here asserted by a government agency to pick out 'at least one victim for an 'interesting experiment'." One wishes that this FCC first—the taking away of one corporation's "right" to a broadcast outlet—could serve as encouragement to public interest groups challenging other TV licenses. But unfortunately, there is something utterly perverse about this case. It has set no new precedent. As Jaffe concludes, "Indeed, WHDH re-emphasizes what has been clear now for years: that the FCC is the victim of congressional failure to provide guidance. . . we cannot look to regulation to make basic improvements in broadcasting."

## On 44 Hours in Civil Jail

BY EDWIN A. GOODMAN

Editor's note: In October, 1970, WBAI-FM, the listener-sponsored radio station in New York, broadcast some 30 hours of tapes made during a rebellion at the Manhattan House of Detention, also known as The Tombs. Last January, the New York District Attorney's office handed Goodman a subpoena asking for the tapes and the pertinent program logs. Goodman turned over the logs but has steadfastly refused to give up the tapes. In his defense, he quoted the First Amendment and New York Statute 79-h, which stipulates that a journalist may protect the privileged relationship between himself and his source. On Friday, March 3, Goodman was jailed on contempt charges for defying a State Supreme Court order to surrender the tapes. He kept the following diary (in which the names of all inmates have been changed) while imprisoned.

### FRIDAY

I met my lawyers at the New York State Appellate Court with only the remote expectation that I might spend the night in jail. After meeting with Justice Vincent McNally to argue for a stay of the execution of any contempt citation and failing, they were still encouraged by the informal assurances of the judge that I wouldn't go to jail and that, indeed, if I did, I would be freed quickly pending appeal. Accompanied by my lawyers from the Center for Constitutional Rights, Rhonda Schoenbrod, Doris Peterson and Michael Ratner, as well as by newsman Neal Conan of WBAI, I went down to New York Criminal Court, Part 30, to appear before Justice Gerald Culkin where our argument would be for a stay of any contempt proceeding pending appeal and assistant district attorney John Fine would attempt to have the judge hold me in contempt and sentence me forthwith for failure to submit the tapes in question.

As had been the case with all previous proceedings in court, our opportunity to be heard was delayed for some time—about an hour-and-a-half. WBAI's case came before the court at about 1:30 P.M. I remember thinking that I was perhaps the third white man among dozens of defendants to appear during my several visits to court over the past week. Also I was perhaps the second defendant who had any meaningful legal defense and who was aware of what the process was all about and what the ramifications of the court's decision would be.

Rhonda presented the argument for WBAI but was not given the opportunity to complete her remarks. Judge Culkin simply wanted to know if WBAI intended to produce the tapes in question today or not. Both Rhonda and I indicated we did, but we were not allowed to elaborate as to the reason for our refusal. We wanted to indicate that our refusal was not frivolous, as alleged by the assistant district attorney, and did not reflect disrespect for the court. Rather, our refusal reflected a real concern for what we felt to be fundamental First Amendment questions and questions as to the intent and application of the New York State Civil Rights Law 79-h. These arguments exist on many levels and speak to a number of very specific ways in which radio interacts with the public—such as through the use of the telephone. But we were not permitted to raise any of the questions before the court, although they were included in our brief and in affidavits written by Paul Fisher, Larry Josephson, Bob Fass and myself.

Apparently, the judge was hungry and irritated at WBAI's refusal to comply with the order to produce the tapes. Accordingly, he postponed further discussion till 3 p.m. and remanded me to a cell adjacent to the court until that time. At this point I wasn't officially admitted to jail but just "held" for a short period. Consequently, I was segregated in a cell by myself. Appropriately enough, the first bit of graffiti I noticed about shoulder high and half way down on the left wall of my 10-by-12-foot cell, read, "You don't need a weatherman to tell which way the wind blows—Dylan." I then examined the other graffiti with some care, there not being much else to do. The ceiling was full of personal references: "Joe"—"Margot"—"116th Street." The amber brick walls were covered with political slogans, many references to the Black Panthers, The Young Lords, and some unflattering references to various district attorneys and judges, including the one presiding in my case.

At 3 P.M., after dozing for about an hour, I was ushered back to a cell just off the courtroom. Leon Gold, a friend and lawyer, had learned of my plight and arrived to offer legal assistance. I thanked him and explained that I had counsel and that the issues were being drawn as anticipated, albeit more precipitously than expected. I spoke with Rhonda briefly, assured her of my desire to retain the Center and her as counsel and returned to court. Again Judge Culkin requested the tapes, we declined to submit them and were again denied the opportunity to make oral arguments. John Fine, the assistant district attorney, requested that the criminal contempt citation be issued and the appropriate fine imposed.





He also requested that the maximum sentence be imposed without bail. The Judge complied with a fine of \$250 against WBAI and a sentence of 30 days imposed on me. He then directed that I be remanded to the New York City Jail at 434 West 37th Street in Manhattan.

Detective McCarthy, somewhat abashedly, took me into custody. During the entire proceedings he had always been more human and approachable than Fine, who rarely smiles or utters a word outside the professional, legal context. McCarthy asked if I thought it necessary for him to use handcuffs. I said I thought not and we left, trailed by my wife, Lorna, Mike Ratner, a lawyer from the Center and some members of the press. I remember Jack Newfield shaking my hand gravely and thinking that the incident might be recorded for posterity in a book of his one day. In the corridor outside the courtroom, the *Times* and the *Post* asked for a statement and I said a few of the many things I had wanted to say in court about the importance of public discussion of the First Amendment rights in question and the importance of clarifying the scope of New York Civil Rights Law 79-h. Then McCarthy ushered me to a squad room where, after a short wait, we were joined by another detective and driven to the New York City Civil Jail.

One is not surprised to learn that the jail was built in 1870. We arrived in an atmosphere which I would describe as casual, if not convivial, and a very kindly young guard of Caribbean extraction checked through my personal belongings, filled out several forms and advised me of the various regulations. A few partings to my wife and my lawyers and I was in jail—alone. A strange feeling of institutional isolation passed over me reminiscent of the day when I joined the Marines. I was shown to a ward room of sorts with three bedroom cubicles adjacent. The guard gave me a cubicle and linen. I then met three of my fellow inmates, Louis, Harry and Jack. We spent the evening reading and rapping about the institution and why each of us was there.

At first I couldn't understand the very casual way the place operated, guards unarmed and large barred doors left ajar. We were only

locked in at night to sleep. At this point, I was very hungry, not having eaten since breakfast, a birthday party at my neighbors. Though it was after mess hall hours, I was brought a special plate of food. Craig Claiborne wouldn't like it, but I would call it institutional-wholesome: swordfish, hash brown potatoes, four slices of white bread and coffee. Thus far, guards and prisoners were not only casual but warm and hospitable.

**T**he Civil Jail is a curious institution, filled not only with no criminals but with people who are not even charged with crimes. Of the twelve male inmates here at present, I'm the only one who has broken any law. Though the jail has a reputation for housing those unable to pay alimony, in fact it houses primarily "material witnesses." Material witnesses in jail are people who know something about a specific crime or who the DA believes know something and who lack the money to meet bail, which is set very high—from \$30,000 to \$50,000. The racial mix here reflects that of most jails. There are three whites including myself. The rest are black, and there's one Puerto Rican.

I spend most of my first night talking with Louis. Louis is black, born and raised in Montgomery. He got into drugs at a tender age and in 1967, at 22, he sold a joint to a narc and was sentenced to fifty years in jail with bail set at \$50,000. After 10 months in the Alabama State Penitentiary he escaped and had been hiding and staying "clean" ever since. One day as he was about to buy a hamburger, several men burst from a diner on the tower East Side after robbing it. Shortly afterwards, Louis was picked up and held as a material witness, though he claims he cannot identify the thieves. Of course, his record was discovered and after this case is completed he faces extradition to Alabama.

## SATURDAY

After being locked in for the night, I slept reasonably well considering a mattress that sloped 30 degrees from left to right. At 7 A.M. I was awakened by a guard who asked if I wanted breakfast. I had been advised that breakfast was "optional" and so graciously refused and turned over and slept till 8:45. I got up, dressed and had some doughnuts Lorna had brought and some water. After only 15 hours in prison, I'd come to realize already who the enemies were—idleness and boredom, arteriosclerosis of the head. I read for an hour and napped until noon, at which point I was still segregated since I had not been checked by the doctor for communicable diseases. I learned that the doctor comes in every Saturday morning (he was late today) and if one gets sick between Saturdays one is sent to Bellevue.

After a lunch of hot dogs, sauerkraut, bread, baked potatoes and tea, I resumed writing this journal until about 1:15 P.M. when my trio of lawyers arrived—Mike, Rhonda and Doris. The basic message was that Justice McNally had refused a stay. This came as a surprise but not a shock. Somewhere in my head I'd reconciled myself to a longer visit and, in any case, thought the arbitrary and harsh posture of the DA and the two judges in question would serve to highlight WBAI's dilemma and draw the issue clearly. My visitors explained the legal alternatives to me, and I assured them that the primary concern should be to mount the most convincing arguments and not to expedite appeals in the interest of my early release if more time was required for more thorough briefs. Their visit and the news of all the activity at the station lifted my spirits considerably.

**T**he visit with my lawyers was followed by a medical check-up by the doctor—30 seconds of check-up and 10 minutes of his philosophy. He returned to me my Vitamin C tablets which I'm taking for a cold but he indicated his skepticism by saying that, "the two biggest hoaxes put over on the people of the world are vitamins and Communism." He also informed me that there was no malnutrition in the U.S.—"in Pakistan, maybe, but not in the U.S." After that, somewhat in shock, I moved my things from the cubicle up to the "dorm" on the third floor. I spent the afternoon reading the good press on WBAI, other things and journal writing. I spoke with Lorna at 3 P.M. She sounded okay, though the kids appear to be a bit confused. Lorna delivered some stuff to me later in the afternoon, and Sarah and Thea giggled at me through the door. Dinner of hash, creamed corn, bread, milk and tea at 5 P.M. in the small mess hall.

Dinner was followed by checkers, television, rapping and watching two young women in an apartment across the street. At 8:00 P.M. we all had coffee. Earlier I received a call from Mike Ratner with news of our latest legal strategy and Lorna told me about Nanette Rainone (WBAI's program director) being on WMCA at 8:15. I listened to her and Neal on Malachy McCort's show.



## SUNDAY

Many of the guys here do not sleep much at night. They stay up till 3 or 4 A.M. and talk, play cards, listen to the radio, etc. Fortunately, I'm a heavy sleeper and so drifted off anyway. The guard woke us at 7:30 A.M. but only I got up. I was ready after about 9 hours. No one else budged except for Hector Rodriguez, who is about 40 and told me he has trouble sleeping. I noticed yesterday some poetry, or an essay, on Hector's bed and asked him if I could read it. At the time, I asked, he was brushing his teeth and I believe my interest surprised him, but immediately he agreed. He handed me a carefully written poem called "I see," which he'd written the day before on two yellow legal sheets. It is a sad and beautiful poem about life in Harlem. It is filled with passion, anguish, sensitivity and a wondering about what might have been. I was moved by it and asked if he had more. He said he had a book full and would show me after breakfast. I thought about the enormous waste of human spirit and intelligence which we allow to continue in this country. This man, Hector, who can recreate his Harlem on a piece of paper, can't spell. He was never taught this simple tool. Yesterday he asked me how to spell *water*, *originally*, and *absolute*, so that he could complete a letter. I hope he'll let me borrow his work so that we can arrange for it to be read on WBAI. Had breakfast of french toast, juice and coffee and then scored two quick victories in Ping-Pong, beating Jack 21-14 and 22-20. Hammons said he's busy today but would talk to me about his case this evening and Hector asked for my help in writing his poetry. I said I wanted very much to read it but from what I'd seen he didn't need "help."

**T**here's a lot of Attica political consciousness here among the black and the Puerto Rican brothers. I feel very sorry for the black guards who are "brothers" on one level and for one moment and "pigs" on another level and for another moment. This morning there's a classic example of this. The prisoners, engaging in some ad hoc guerrilla theater, are trying to convince a young black guard to get booze for them. Again, boredom and depression is the enemy. There is absolutely no program here in the way of planned physical or intellectual activity. On good days, there's a handball court on the roof. On bad days, Ping-Pong, television, newspapers, radio, rapping and basic house-cleaning. There are about three dozen tattered paperbacks in the so-called library. Last night, Louis showed me a letter written by a recently departed Henry Fellows, addressed to the WNEW Action Reporter and signed by the seven inmates here at the time. It was never mailed. "Dear Sir," it begins,

My name is Henry Fellows. I am being held prisoner in the Civil Jail as a material witness against my will. I cannot believe that my civil rights are not being violated according to the constitution. Because I have committed no crime nor aided or abetted no crime, I have cooperated with the DA fully in his investigations and willingly taken a lie detector test. My life is neither in danger nor will I flee yet I am held incommunicado. All my mail and phone calls must be approved by the DA yet the perpetrator of the offense is free to call or write who he so pleases because he happens to be rich and can make a big deal and pursues his desires as he sees fit, even commit another crime if he deems it necessary to his survival! I have served my country with my life and fought to preserve the so-called democratic just way of life suppose to be equal to all men, poor or rich, black or white. Yet here I sit appealing to you with a letter I will probably have to sneak out somehow if I ever expect you to read it, then after you read it, what then? . . .

Sunday morning passed quietly with the writing of this diary and an effort to get into *Up The Sandbox*, one of the paperback books my wife brought down. Though the first dozen pages intrigued me, Louis was doing one of his lengthy monologues on life in the Montgomery ghetto. He was much better than my book, and so I sat chuckling with several others. Sunday was absolutely indistinguishable from Friday and Saturday. There was no change in the monotonous rhythm of the prison day, no mention of the sabbath, just a thicker newspaper to pass out. "Chow time" was announced by the guard and we were off to the only regimented experience of this particular prison. We arrived in the dining room to find our places set and the individual plates full of food as if set there by stealthy elves.

Hammons, who had been eyeing me skeptically since my arrival, made a conversational overture of sorts and so I seized the opportunity and switched to his table where just the two of us could talk. He had learned from the news stories about my case that in addition to being white I was from a well-known and wealthy family. [ Goodman is a

member of the Bergdorf-Goodman retail family.] This opened the floodgates of his anger, bitterness and resentment. He told me a bit about himself, how he was introduced to drugs under tremendous social pressures at the age of 12. He punctuated his story by shoving his arms forward with palms up and pressing his elbows together. Needle marks pocked his arms from just above the wrists to just below the shoulders. There was no virgin skin left on either arm. He told me that the quickest, highest heroin trip could be had by introducing the needle directly into the jugular vein, which he had done on several occasions. Hammons couldn't understand how a country that could send men to the moon couldn't get junk off the streets of Bedford-Stuyvesant. We agreed that when Howard Samuels' and Bobby Kennedy's children are strung out on heroin, then and only then will the problem be seriously attacked. Hammons had been arrested and jailed many times—mostly on drug-related charges. Now 25, he had been in a number of "correctional" institutions, from the Brooklyn House of Detention to Clinton and others over the past decade. A drop-out after the sixth grade, he had been educated by his prison brothers, the obscure and the famous, such as George Jackson, Eldridge Cleaver and Malcolm X. He despaired that justice could be meted out in this white society to black men. He has been scarred too deeply, too frequently to harbor any hope. He feels that the prisons of this country are efficiently and unwittingly training a revolutionary cadre of black men. He has no illusions about victory. He expects that we will live to see a massive insurgency followed by genocide directed at black people. He says white people simply don't understand that for many black people life and freedom are mutually exclusive. Death is freedom. Without radical social reform of the larger society which now introduces many blacks to prison in their teens, his prophecy is assured. It occurred to me that Hammons was doing a number on me, on whitey. I had seen him participate in cruel verbal games directed at the black guards. But I dismissed this notion. The sense of terrible urgency was in every hushed word he uttered. It was clear that he knew that, in my position, a visit to prison was bound to be brief and a once-in-a-life-time experience. There was a sense of desperation. He had to seize this rare opportunity to speak to the man, to cram years of his painful experience and his political conviction into a twenty-minute luncheon, to speak with someone on the outside who might listen and tell others.

A bit numb, I returned to the recreation room after lunch and was challenged by Harry to some Ping-Pong. Flushed by two quick victories, 21-18 and 21-14, I returned to the dorm and *Up The Sandbox*. For some reason, the guards had not told me that my lawyers had called earlier and that my release was imminent, due to a writ of habeas corpus signed by a federal judge. However the boredom in prison trains the inmates to be astute gazers out of windows. These guys notice the smallest variances in the life on West 37th Street, a new prostitute plying her trade, the appearance of late model cars, new faces on the local stick ball teams, etc. First there was one strange car, then another and by 1:30 P.M. it was clear that lots of people and media equipment were focusing on the front door of the Civil Jail. Still, no one had told me anything and it was not until I spied my wife on the street and yelled to her that I learned I was being released.

My brothers in prison were buoyed by the excitement of media attention, happy for me and terribly jealous at the same time. I, too, experienced a whole complex of emotions, excitement, relief, regret at leaving friends. I use the last advisedly, for though I was only inside that jail for 44 hours the quality of the experience was very intense. Jail generates brotherhood much more effectively than churches. I traded more visceral experience with these men in two days than with people I've known in many capacities for years. The goodbyes were painful.

I opened the door to be greeted by a circus of faces—mostly media people with their arms outstretched, brandishing microphones. I tried to tell these people something about the issues as WBAI sees them and something about the cruelty of imprisonment, the desecration of the lives of the men inside. Lamentably and predictably, not a word I said about prison conditions or the tragedy of imprisoned material witnesses was included in any of the television or radio coverage that reached large audiences that evening. I thought about the sense of betrayal and the reinforcement of cynicism that the network versions of my exit would have on my fellow prisoners as they watched TV in the recreation room that night. There was a wonderful side to coming out, too, even after such a brief period. It was like acid trips that I've read about. Colors were very bright. Faces were very beautiful. People were very kind. All the experiences of living were razor sharp. I was very, very high. I went home, washed up and returned to the station to begin the process which would take us all beyond the strange theatre of incarceration to a consideration of the substantive constitutional questions which precipitated this episode.

*Editor's note: On March 15, Justice McNally signed an order, consented to by the district attorney, staying the remainder of Goodman's sentence pending his appeal, which is scheduled to be heard in mid-April.*



# Notes from. . .

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every day he puts his personal reputation and credibility on the line with black informants who are all too aware that there are white men with scant knowledge of, and little sympathy for, the black community, white men who will judge, control, adapt, slant or otherwise handle the news that the black reporter brings back into the city room. That ghetto sources talk to black newsmen from white media at all is rather remarkable when you consider the history of how blacks have been treated in those media. Or when you are aware—as blacks are—that the FBI, the CIA, and people from other such agencies pose as newsmen to penetrate black organizations and communities.

According to a piece in *The Washington Post* (July 4, 1971) by William Greider analyzing documents stolen from the FBI office in Media, Pa., "To explain [FBI] surveillance in black neighborhoods and to justify it, the assistant U.S. Attorney General for internal security, Robert Mardian, has revealed two paragraphs from a 1967 memorandum by then Attorney General Ramsey Clark, a Democrat who more recently has been a critic of government intrusion on civil liberties. The excerpt, by itself, sounds like a sweeping directive to spy on American Negroes."

According to Greider, "Considered as a whole, those Media documents offer the public and Congress an unprecedented glimpse of how the U.S. government watches its citizens—particularly black citizens. For while many may consider it natural enough for the FBI to keep an eye on the Panthers, the Media documents establish clearly that the racial surveillance is a general activity, blanketing black neighborhoods and organizations, assigning file numbers and intelligence folders to thousands of people and places. . . ."

So what it comes down to is the black newsman's own integrity. Black people trust you or they don't trust you, depending upon your performance—and the word circulates fast. That is why the case of *New York Times* San Francisco correspondent Earl Caldwell took on such significance for black reporters everywhere. In 1970, Caldwell was subpoenaed by a California federal grand jury investigating the Black Panther Party, and asked to appear 48 hours later with his notes and tapes of interviews with Panther officials. Caldwell refused and retained his own legal counsel, through the NAACP Legal Defense Fund, to fight the case. Initially, the *Times* backed Caldwell, as a party to the case, and its legal aides provided administrative support to Anthony Amsterdam and Stephen Ralston, Caldwell's attorneys. Seventy black journalists in New York took out an ad in the black weekly, the *Amsterdam News*, backing Caldwell, most of them members of Black Perspective, an organization of New York blacks in news media, of which I was then chairman. A federal district court issued an order limiting the questioning of Caldwell but still requiring him to appear before the grand jury. Since such testimony would have been behind closed doors, thus creating doubts in the black community about what was testified, he refused.

When Caldwell appealed this ruling, the *Times* dropped out as a party to the case (thus proving Caldwell's wisdom in retaining his own attorneys), though the newspaper filed an *amicus curiae* brief on his behalf, as did numerous other newsgathering organizations. Perhaps the *Times* legal counsel believed that Caldwell would not fare better in the higher courts. But in a landmark decision, the appellate court unanimously threw out the subpoena, saying that it would convert the reporter "into an investigative agent of the government." The government appealed the ruling and the Caldwell case is now before the U.S. Supreme Court, where a decision is expected by late spring.

The point of all this is that Caldwell was subpoenaed, as an individual, and the *Times* was not. As a black reporter, he was on that firing line. Before his courageous stand, *Newsweek*, *Life*, CBS, NBC and other media giants had meekly turned over their files to requesting agencies. After the Caldwell case, these organizations discovered their backbones and began to resist. Indeed, the *Times*' own attorneys recently cited the Caldwell decisions when they defended the newspaper's right to publish the Pentagon Papers!

The important issue in *U.S. vs Caldwell* is that black newsmen bear a special burden as gatherers of information that whites frequently cannot obtain, and that to require a black reporter to testify either about material given in confidence or to give any testimony behind closed doors does irreparable harm to his ability to continue to function in the black community, which is where black reporters are. In that sense, the black newsman's position is fundamentally different from that of his white counterpart.

Of course, the black man's burden is rarely a federal case like Caldwell's. More often, it is something dumb that arises out of a white news

executive's ignorance or bias. For example, take the case of Melba Tolliver's Afro. Melba is the soulful young black reporter on Channel 7's much-imitated "Eyewitness News" team, a television format that gives the viewer folksiness along with his daily ration of tragedy and triumph. Last June, Melba decided to have her hair cut in a modest Afro style. That's when the stuff hit the tube. She reported to WABC and met her producer. "He wanted to know what happened to my hair," she says. "Nothing happened," she told him. "I just had it washed, cut and shaped—this is the way my hair really is. He said, 'No, your hair isn't that way. I've known you for two years, and I know your hair doesn't look like that.' I said, 'The way you've seen me is not the way my hair is. That's when I had my hair

## Grim Statistics

In March, Rep. Shirley Chisholm (D-N.Y.) issued a statement on the employment of blacks in the media which said: "Using Equal Employment Opportunity Commission statistics, we find that in the newspaper industry as a whole, only 4.2 per cent of all employees are black. In the professional class, the class that includes reporters, only 1.5 per cent are black." The trouble is that as grim as Representative Chisholm's figures are, they are overblown; for publishers and broadcasters routinely provide inflated statistics to inquirers, that is, when they provide such information at all. For example, a 1968 survey of blacks in news media quoted in *The New York Times* said Cowles Communications, which included *Look*, reported 18 Negroes among 352 employees; in fact, there were only two blacks (of which I was one) on *Look*'s editorial staff and less than five on its other publications. According to Chisholm, "The *New York Times*, in a city which is 21 per cent black, has 557 reporters and editors but only 20 minority reporters and editors." But "minority" takes in other non-whites so that actually there are not even 20 blacks on the *Times* reporting staff. (There are 11 black reporters, one photographer and a copy editor plus two book review editors. Out of 557 staffers!)

The *New York Post* piously told Representative Chisholm that it was the *Post*'s "firm policy that we do not reveal figures to anyone except a government agency doing an officially-authorized study." For Chisholm's information, the *Post* has three black reporters (on a staff of from 60-80) and has consistently held its black reporter "quota" to three (plus a black photographer), a fact which Bill Artis, a black reporter dropped by the *Post* after one of its traditional "tryouts" for black writers, brought to the attention of the city's Human Rights Commission. After a lengthy investigation, amply documenting the *Post*'s sorry record of black employment, the Commission ruled against the paper, a decision the *Post* is appealing. The *New York Daily News*, "the nation's largest newspaper," has about a 40 per cent black readership but you'd never know it to look at the *News*' staff. With over 200 reporters on its staff of 500, the *Daily News* has only five blacks. Long Island's *Newsday*, on the other hand, with 241 editors, reporters and photographers has seven black reporters and a black photographer. Wonder why the *New York Daily News* can't do at least as well as *Newsday*?

The *Washington Post* is the daily with the largest number of black staffers, though given the small numbers of blacks on most papers and taking into account Washington's 71 per cent black population, that's not saying much. With approximately 400 editorial employees, the *Post* has 15 black reporters, two black photographers, a black assistant city editor and a black copy editor. (A group of black reporters is currently negotiating with the *Post*'s management to increase both the numbers of blacks at the *Post* and those in the better-salaried news jobs.) E.D.

straightened or I had on a wig. I'm telling you now, I know how my hair is. This is my hair.' Everybody sort of came and looked, gawked, and asked some questions. About 45 minutes before I was supposed to go over to the studio, the news director called and said, 'I understand you've changed your hair.' I said, 'That's right.' He said, 'Am I going to like it?' I said, 'I can't tell you, I have no idea. I've just changed it, that's all. It's in a "natural".' He said, 'How does it look?' So I said, 'Listen, why don't you just watch the news show and you'll know.' After the program, he called and said, 'Well, I don't want to be critical, but I don't really like your hair like that.' And I said, 'What is it that you don't like about it?' He said, 'Well, I just think it detracts from you, it gives you a harsh look. You know, you just don't look as feminine. I don't know. . . I just don't like it. There's



something I just don't like about it."

The next day Melba Tolliver went to Washington to film Tricia Nixon's wedding. There was a message waiting to call her news director in New York. "He told me, 'Well, I can't tell you how much opposition there is to your hair. You are going to have to change it. What I'd suggest is that tomorrow you find out if you could go to a beauty parlor somewhere and get your hair back the way it was.' I said, 'I'm sorry, I'm not going to change my hair.' He says, 'Well, you're going to have to change your hair, otherwise you are not going to be seen in the film.'"

Melba Tolliver did finish her Washington assignment. Afterwards, returned to New York where she met with her producer at WABC. She says he told her, "Well, a group of us have seen you with your hair and we've decided it's not really in the Eyewitness News image that we've created for you. You know that's why we are concerned—it's going to hurt you with your audience." After Melba turned down suggestions that she wear a wig, her producer asked ominously about her long-range ambitions. "He mentioned that there have been reporters assigned to faraway places that are not very interesting," she recalls. She was given a couple of days off, during which time the "Afro" story came to the attention of *New York Post* television reporter Bob Williams. Shortly thereafter, a call from her producer summoned her back to her duties.

I had a milder form of the same kind of experience at *Look*. For many years there was an unwritten law against beards at that magazine. A few years ago, I grew a small beard. Just before my departure on an overseas assignment, a *Look* executive told me pointedly: "I've taken a poll among the girls on the floor and they all prefer you without the beard. If you shave it off while you're gone, we won't mind." Since I'm married and could care less what the "girls on the floor" think, (and my own beard index rating showed I was more popular than ever), I ignored the insinuation. Thereafter, a number of white editorial staffers began growing their own facial adornments. Power to the people!

Sometimes the aggravations take another form. One black newsman in New York returned from covering a black conference where he was attacked as an impotent minion of malevolent white editors, an accusation he denied vehemently. But, to his dismay, his paper substituted the word "Negro" for "black" in his description of the group, apparently to avoid what a white editor viewed as repetition. What the white editor did not realize was that to many black people nowadays, the words "black" and "Negro" have specific ideological overtones, (read "progressive" and "Uncle Tom") and if a black reporter writes "black," an editor damn well better leave it "black." Besides which, the actual name of the group included the word black.

Getting a black point of view across in the mass media is no easy job. American journalism can entertain white viewpoints from Bill Buckley to Nicholas Von Hoffmann, but blacks—man, that's something else. Columnists are a prime example, especially in New York. The city's newspapers have no black columnists, if you discount Roy Wilkins, executive director of the National Association for the Advancement of Colored People, whose syndicated once-a-week-column appears in the *New York Post*. Each of the three Washington dailies has its own black columnist; three of the four Chicago dailies have a black columnist; each of the three Philadelphia dailies has a black columnist—but not New York, which has a larger black population than any of these other cities. Why?

The same question can be asked about black editorial writers. Recently, *The Washington Post* hired Roger Wilkins, nephew of Roy Wilkins, and a former assistant U.S. attorney general, as a member of its editorial page staff, adding an important dimension missing in its rival, *The New York Times*. But then the *Post* has Bill Raspberry, a black columnist, while the *New York Times* has never had a black columnist, let alone editorial writer. (Tom Wicker, the *Times*' most "liberal" columnist, had to go through Attica before he began to appreciate what any teen-age black has always known about the American reality.) Somehow, the notion of a stand-up black columnist threatens the press lords in the most sophisticated metropolis in the U.S., while publishers in smaller cities apparently accommodate the idea with less trouble.

There are similar bars in the sportswriting field. Despite the fact that blacks excel on the field in every sport which will admit us, we are still barred from the press booth in many cities. The *New York Post* has no black sports reporter. The *Daily News* has no black sports reporter. The *Washington Post* has no black sports reporter. The *New York Times* has but one. I mean, can you believe it? You would think that since there are so many blacks in sports that black writers might turn up a lot of material newspaper readers don't get now, but that's assuming too much. So Dallas Cowboy Duane Thomas gives his interview to *Black Sports* magazine, from which it is then excerpted in the white dailies.

Then there is the much celebrated Nixon visit to China, for which some 87 press representatives were selected by the White House to cover the trip. Not one of the correspondents was black, which says a hell



of a lot about Richard Nixon, and the United States. Administration apologists tried to explain away the omission of blacks in the U.S. media entourage by saying that black media could not afford the \$7,000 the trip cost, which is hogwash. So we were treated to white faces on our TV screens, anyone of which might have been substituted for any other, as far as our understanding of what was going on in China was concerned. The omission of black correspondents from the China trip was particularly galling to those of us who remember that a black correspondent, Bill Worthy of the Afro-American newspapers, had his passport lifted in the Fifties for going to China during the official U.S. ban on travel there!

Shabby treatment of black reporters by the Nixon administration is not new, however. It seems to Mr. Nixon's aides, the White House means just that: The White House! At a recent hearing on "Blacks and The Mass Media" held in Washington under the auspices of the Congressional Black Caucus, Ethel Payne, veteran Washington correspondent for the Sengstacke Publications (which include the *Chicago Defender*, one of the two black dailies in the U.S.), told of Mr. Nixon's "inaccessibility" to black reporters, and their omission from the ranks of White House favorites to whom exclusive interviews are given: "No such privilege has ever been given to a black or minority reporter nor has the opportunity to question him during a formal press conference arisen," she said.

After blacks complained to Herb Klein, the President's communications chief, Simeon Booker, Washington bureau chief for Johnson publications, which owns *Ebony* and *Jet* magazines (Mrs. Johnson accompanied Mrs. Nixon on her recent trip to West Africa), was seated in one of the first three rows at the President's next press conference, the rows reserved for "important media." Booker was on his feet five times to question Mr. Nixon but was never recognized. Since Mr. Nixon has never responded to invitations to talk to the black Capital Press Club on the upcoming election, (the only presidential candidate except Senator Muskie to refuse to make time available), the White House's preferences are "perfectly clear."

From what I have been able to observe, the representatives of the People's Republic of China are far hipper than, say, those from the Soviet Union or the White House, and I have no doubt that there will be black reporters in China soon, however that is arranged. But the notion that a black man or woman could be a valuable foreign correspondent is hard to sell in the mass media, and not only at the White House. You can count the number of blacks reporting from abroad on the fingers of one hand, and if you eliminate Vietnam, a special case, you could probably count them on one finger. Again, *The Washington Post* is in the lead. Jesse Lewis, who speaks Arabic, has recently returned to Washington after two years as a *Post* correspondent in the Middle East. As usual, he was super-qualified, since few of the white reporters there speak Arabic. Once I ran into a black from the Copley newspapers in Yokohama, but he's back in the U.S. now.



Just in case you think this is a case of sour grapes, let me hasten to say that my own experience at *Look* has been an exception to the prohibition on black foreign correspondents. From 1958 on, I traveled on *Look* assignments to most of Africa, the Soviet Union, Poland, Yugoslavia, Haiti, India, Western Europe and elsewhere, picking up two Overseas Press Club citations for "best magazine reporting from abroad" in the process. Indeed, when I last applied for a visa to re-visit Poland, during the most recent purge of Jews, my application was turned down by the Poles, which told me that *they* didn't think my blackness would prevent my doing the reporting job.

A part of the irony of the black experience in white media is that many white reporters think that blacks are being given unwarranted breaks, that there is some kind of management bias toward blacks, even unqualified blacks. At *The Washington Post*, they say "What do you have to do—be black—to get a raise around here?" Whites are knee-deep in privilege without any awareness of how the news industry favors them.

For a piece in the November issue of (MORE), a *Look* colleague of mine, Joe Roddy, interviewed numerous *Look* people in order to do a post-mortem on the death of that magazine. When I talked to him about *Look's* pluses and minuses, I touched on the editorial schizophrenia that saw the magazine take a vigorous liberal stance in its pages while running a Jim Crow shop in its offices. A prime example of this was the fact that in its entire 34-year existence, *Look*, a picture magazine, never had a black photographer on its staff! When Roddy's piece ran in (MORE) it dealt primarily with an in-house dispute between a conservative publisher and some liberal members of the editorial staff, a dispute that had only developed in the last months of the magazine's existence. *Look's* prohibition against black photographers was not even mentioned. I talked to Roddy after it ran and asked him why. He said that he had learned from other shops, i.e., *Life*, the *Times*, *Newsweek*, etc., that there were only a few blacks employed there also, so he didn't think that *Look* was unusual. Wow. Now if there were a hiring prohibition against, let's say, Irish Catholic photographers, or Jews, or women, Roddy and other whites would have been irate. But blacks—well, everybody else is doing it, too, so it's not really important.

Recently, a number of blacks in the media have been dropped from their editorial slots as the wave of political conservatism washes over the country. One of them, Sam Yette, from *Newsweek's* Washington bureau, alleges that management was out to get him after the publication of his book, *The Choice*. The blurb on *The Choice* asserts "there is a concerted effort in this country to re-enslave, perhaps even to wipe out, its black population," and the documentation he presents certainly make a substantial case. Yette is suing *Newsweek* and both parties are being close-mouthed about the case.

Gene Simpson, a black reporter formerly with WCBS-TV in

## The 51st State. . .

continued from page 7

Jose Garcia sits down and Patrick Watson asks him, Jose, why shouldn't they be taught in English? That, Garcia explains, "is a form of educational imperialism." It does not allow children to identify with their heritage. They don't even know who Ramon Batanzas was. "Educational imperialism," "educational slaughter;" will the schooling of children ever be discussed in any terms other than epithet? Shanker, anti-Shanker, the same common piety of rant. One commences to feel how cheerfully "The 51st State" has assumed the risk of becoming an educational slaughterhouse for journalists; no scorn or malice towards Jose Garcia could damage him nearly so much as the tolerance of an employer who indulges him in this floating downstream.

### FEBRUARY 21

No essay at spot film this evening; is this a hopeful sign of having learned to throw away one's failures? Heavy emphasis on that ancient gruel of traditional journalism, any-old-time copy. A feature on people who had to stay out in the cold—the drinkers on the Bowery, the hot dog salesman of all seasons. Then Marvin Kitman on George Washington's expense account, a piece of history most charmingly told and pertinaciously researched. Still a left over dish; Kitman cooked it two years ago and certainly served it at the tables of Merv Griffin and Dick Cavett when he first began selling his book. But then the world is round; we flee from commercial television to find our refuge very like the talk shows.

"The 51st State" is most dutiful in recognizing the rights of the comic spirit; but its pursuit is either lamed or, as in Kitman's case, struggling with the weariness of limbs that have been put through the pace on so many other tracks before. In its attempts at diversion, "The 51st

New York, alleges the station bumped him because he wouldn't knuckle under and play the nigger: "There is a racist atmosphere that . . . tries to infuriate you to the point where you can start growing ulcers. . . ." At WABC-TV, where a truly professional Gil Noble was once the host of the black show, "Like it Is," a Puerto Rican co-host, Geraldo Rivera, has been inserted, thus shafting two minorities at one thrust: blacks and Puerto Ricans. Instead of putting on a separate show for Puerto Ricans, "Like it Is" has been diluted to try to give something to both groups.

But then nobody ever said it would be easy to be black in the media. Blacks have a special and valuable input to make because of where we stand in the society. We saw the folly of Vietnam long before our white colleagues found it fashionable to oppose the war. We know something about narcotics because dope has been in the black community for four decades. We can spot trends in rock music because we are at home with the black musicians from whom the white rock stars of today ripped off those sounds. We do not go into other countries to report with frozen American attitudes because we have seen our own contributions denigrated by ugly Americans. In short, we do not have the standard white male superiority notions through which to view the rest of the world.

During the hearings on Blacks and Mass Media in Washington, gray, grizzled Jimmy Hicks, once executive editor of the *Amsterdam News*, testified: "During the many years I served as a Washington correspondent for 75 black newspapers, neither I nor my bureau chief, the late Louis Lautier, was permitted to join the Congressional Correspondents Association or sit in the Congressional Press Galleries to cover the activities of the members of this Congress.

"Lautier was finally admitted to the press galleries in 1947 when a congressional committee overruled the standing committee on correspondents and directed that he be allowed to sit in the press galleries. I could also point out that when I applied for accreditation as a correspondent at the United Nations, I was refused even though I represented 75 black newspapers and it took the combined efforts of the late Ralph Bunche and the United States delegate Edith Sampson to get me in. I could tell you that a police press card pinned on the lapels of a black reporter does not work the magic in many places that it does for his white colleague. I could go on. But I don't think it's necessary to labor your time. There are documents and studies gathering dust all over this country which point to the discriminations, and the need for reforms in the treatment of black news writers."

We sit in the press galleries now and we sit in the back rows of the Presidential press conference, even if the President refuses to recognize us. We are accredited to the United Nations, whatever that means. But the blacks in America mass media still have a tough row to hoe and a short stick to do it with. But then so does every other American who's black. Why should the reporter be different?

"State" is almost a museum of devices so long employed by commercial journalism as to seem outworn even to it. We are being entertained by persons who, far from having studied and discarded the mistakes of television news, are so essentially unconscious of them as to be doomed to repeat every one, as though he who has not learned from history is condemned to be embarrassed by having Channel 13 give him his head.

The letters of a bulletin forecasting gelid temperatures are run against a backdrop of films of spring; the notions that occur to a beginning imagination cannot be told from those that so long ago revealed an exhausted one; four New York City newspapers have gone out of business since the editor of any one of them thought to run a picture of last winter's blizzard on the day the temperature got as high as a hundred degrees. Guts is a useful, if minimal, virtue; but, when you set out to dare all, it is wise to omit daring things that time rather long ago proved were not worth doing.

### FEBRUARY 23

Tonight belongs to Burton K. Roberts, District Attorney of Bronx County. On the morning of the day before, United Press International had quoted Roberts as urging the compulsory administration of methadone to heroin addicts. "The 51st State" had grasped the opportunity thus provided to give play to its mockery of the methadone cult. Its weapon was a film of one of those depleted choirs that are among the terminal tatters of white Anglo-Saxon faith still gasping for breath in this city; the singers were ringing exalted changes upon the single word methadone, while against them reporter Ardy Ivie's voice intoned the statistics on drug addiction before giving way to a doctor who instructed us that methadone "merely substitutes one addiction for another." This



package must certainly have been wrapped awhile ago and put in storage until some official or other qualified himself for its scorn, the laughter having been there before the comment. But then it turned out that there had never been a comment; Roberts protested that he had never mentioned methadone, and that "The 51st State" had "completely misrepresented" him. There was nothing to be done after that except to offer him equal time, which, delightful though Burt Roberts is, amounts to offering a barracuda your leg. His plan, Roberts explains, is to advance the discovery of a non-addictive antidote for heroin and then make that compulsory. Now watching "The 51st State" has reminded me all too often that New



York is as full of Utopians as it is far from Utopia; but this proposal seems moonshine even beyond some of the opinions it can occasionally find worthy of attention; yet no demurrer is possible; Roberts starts explaining that we could vaccinate children with his stuff, and the unfortunate Ardy Ivie had to sit and nod his head and Patrick Watson can only apologize for an error, "which we compounded. . . by quoting the UPI."

I am unconvinced that someone whose only proven blunder was reliance on a respectable wire service needs to be so abject in the presence of someone who has just cured the drug problem with the remedy of a non-existent antidote; but then journalism just has no defense when it lets itself get caught accusing a public official of having uttered a particular piece of nonsense when he is able to prove that he actually uttered quite another piece of nonsense. It becomes a surprise, when you reflect on "The 51st State's" avidity for assertion, that this kind of embarrassment does not afflict it more frequently. An insistence on proclaiming that every story has one single point always runs a high degree of risk. And then, even in hands more cautious, the very cadences of television are so stringent that I doubt if the composition of a compound sentence is ever practical enough to make it possible for you to contradict yourself in the same breath. The kind of journalism that habitually contradicts itself in the same sentence is, of course, hopeless, although enduring. But is the kind of journalism that bars its practitioner from ever contradicting himself in the same sentence so much less so? I think not. If you are not in a position to contradict yourself on the same day every now and then, you are likely to live with the oppression of having to blush to contradict yourself much too often on the day after.

## FEBRUARY 24

An hour dedicated to the Harlem Four. The focus of the evening belongs to the mothers of the defendants and to six of their latest jurors. Five of the jurors who appear had voted to acquit; the single exception was their foreman, who is brought to us on film. His reasons for voting to convict are pleasantly enough but quite firmly disputed by his interviewer; the jurors speaking for acquittal are generally allowed to explain themselves with no such burden of cross-examination. The mothers are both dignified and appealing; but again there was the want of an *appearance* of balance that would in no way have diminished the power of their message. The command of these women upon the feelings is both indisputable and consequential; but can they, in fairness, be offered as exclusive witnesses to the beginnings of a case where their emotional commitment is so all-compelling? Yet they are made to serve that use; the impressions they have retained from their ordeal are of "crazy" policemen, of prison guards who had beaten their children, of defense lawyers in the first instance who had laughed and joked through the trial and had early lost patience with defendants who refused to plead guilty.

These memories, the witness of women who would have been repellent if they had been objective, were all set forth without effort at rebuttal or independent substantiation. That, it has to be said, is a complaint for which a remedy no more exists than does Burton Roberts' sovereign antidote to heroin. I should suppose that the original assistant district attorney is the person most qualified to attest the contrary of the assertions of these mothers. But, quite aside from the elementary protections deserved by a defendant not yet free of indictment, the district attorney comes from an office habituated to uncritical reliance upon the oaths of policemen, indifferent to repeated allegations of the maltreatment

of prisoners in detention, and here persistent enough in pressing a case it has twice failed to win to suggest a degree of ill-feeling towards these defendants that would make him useless as a witness.

For we are demanding that journalism do what journalism cannot do, that is, establish anything like the detailed truth about events that occurred eight years ago on the street or in courtrooms all too seldom noticed, let alone carefully watched by detached persons. But the impossibility of knowing just what happened then does not absolve us from the effort to make up our minds about what has happened since. These young men have been in prison eight years; if they had bargained for a guilty plea, they could well be subjects for parole now. It is not extreme to wonder whether their major crime may not be the inconvenience of their refusal to plead guilty; now a majority of the last jury to hear their case has voted to acquit them; and the district attorney's office will not even concede their right to be bailed. That summary leaves quite enough suspicion of injustice to fill an hour, and it recites facts anything but suppositious.

But what it needs for useful exposition is the exercise of the controlling intelligence which instead abandons its function and throws the floor open to the improvisations of partisans. The risk just has to be taken of trusting our judgment: if one juror is cross-examined, all the others have to be; since the mothers cannot in decency be subjected to cross-examination, they must, with delicacy, be limited in their assertions of facts that are beyond verification, however deep the feelings that produced them. Beyond that, there must be some more concentrated effort to bring the official mind on stage than an invitation to the district attorney to come and quarrel with partisans of the defendants. Mr. Hogan's office, with a propriety that could not be more self-interested if it were the contrivance of cunning, has long made it a rule to refuse public comment on its cases outside the courtroom. Still, might not the attempt be possible to let us at least *see* the district attorney who pursues this case, even if he talks about no more than the routine of his life and the experience of being master of the lives of others for so long? Then we might have a chance to take his measure as a character rather than as some shadow in the wings. I concede the meagre promise of even that much success in any such effort; but if I knew that it had anyway been made, I could escape the sense of being cheated by a journalism that assumes its job has been done when it substitutes the indulgence of exhortation for the duty to describe.

Such is the run of a few days. I hope it is not a sample contaminated by too much resentment of the difference between what "The 51st State" has advertised and what it has so far managed to give us. Journalism's institutional advertising has a way of cheapening the product while increasing its budget; and we are always unjust when we pretend that the language employed to sell what a man does ought to be taken as an accurate portrayal of what he is trying to do. The rest of us, no less than his publicity department, should try not to understand anybody too quickly. Things do seem to be improving, although discontents remain.

On the night of March 7, Selwyn Raab put together a report on Ariel Corrado, a bystander killed by a plainclothesman answering a false burglary alarm in Brooklyn last summer. It avoided every mistake made in the Hour of the Harlem Four: Raab came up with a film of Brooklyn district attorney Eugene Gold attempting to explain why his grand jury had decided not to indict the policeman, and he was more careful to insert evidence that the victim, while innocent, had not always been inoffensive. This balance in no way lessened the sense of a monstrous absurdity in our affairs that Raab's story left behind. One felt that one knew what had happened and that it was outrageous. The whole segment embodied the lesson that nothing better contributes to producing our harshest judgment on an issue than our feeling that we have been led with fairness to our conclusion.

Afterwards Raab sat in the studio and talked over his story with Patrick Watson. He seemed no more at home in this encounter than you would expect any craftsman to be who had just so handsomely displayed the standards learned in that traditional journalism, one of whose curious prejudices was to assume that the time for a reporter to talk over his story with the desk was *before* he wrote it. Selwyn, Patrick Watson asked, "what's your own hunch about what really happened?" "Well," Raab replied, "there I would be getting into a slanderous area;" and, if "The 51st State" is looking for a guiding principle, it could do worse than paint that sentence in letters of flame above each of its typewriters. Patrick Watson wondered further whether, given the kinds of pressure, the district attorney might be brought to consider opening up the case again. "I don't think—" Raab began and then rather trailed off. It must be a most difficult circumstance to sit, fully aware of the rules of professional courtesy, and try to frame an answer to a colleague's question apparently conditioned by the surmise that power to the neighborhoods extends to successful hue and cry against criminal suspects.

There have been other occasions for admiration: A film on a



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Rosellen Brown:  
Puerto Ricans Adrift

---

Andrew Greeley:  
The Rediscovery of  
Cultural Diversity

---

Victor Navasky:  
Our Ethnic FBI

---

Charles Newman:  
The Writer as Rube

---

James Aronson:  
Black Journalism

---

William Wiser:  
Southern Gothic

---

Jules Chametzky:  
Ethnic Literature

---

James Reiss:  
Poetic Roots

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tenants' strike at the Newark Housing Authority where the savagery of Ron Porambo's commentary most suitably fit the degradation of the scenes he set before us. A visit to Green Haven prison which, while unblinking before the grimness of these lives, had room to contain a moment when one prisoner strains with the bar-bells, and finally completes his quota of lifts and another prisoner says: "Good. You ready for society." So "The 51st State" can provide us, at rare intervals like this one, some sight of the gaiety that endures and the dread that overhangs so many of us; it can achieve that distorted irony we recognize as New York's only natural tone.

Yet most of the time it persists in that scurrying after variety to which conventional television has so long condemned itself. The normal ration of "The 51st State," as of the Six O'Clock News, is the serving forth of disparate bits; it has revolted against the great drug dispenser appointed by commerce and yet it cleaves faithfully to the traditional role of practice which is to prescribe a series of underdoses.

And so its light essayists still ride their hobbyhorses in frenzied pretense that they are pricking lively steeds; the usual Puerto Rican parents shout their grievances against the customary school principal without the tiniest concession to our curiosity about the justice of their complaints; three or four scraps of the day's headlines are run against the same backdrop of a film of a carriage in Central Park. The aspiration for a better end is pursued with the same old inchoate means. There seem to be times when "The 51st State's" managers feel how unsatisfactory these broken fragments are and then they open their studios for an hour—in one case for three—of undirected discussions on this issue or that. And then what had been breathlessly too short becomes numbingly too long; the craftsmanship that lopped off whole limbs without taking time to notice whether there is any meaning left in the torso is succeeded by an entire disregard for craftsmanship that just lets the whole thing sprawl.

Selwyn Raab's study of the death of Ariel Corrado took roughly 20 minutes in the telling; to shorten it would have been to sacrifice its values, to lengthen it beyond ten more minutes would have been to attenuate them. It would, then, have fitted almost perfectly in half an hour. In the confusion of watching pass across their vision so many answers that are wrong, "The 51st State's" managers may be excused for not noticing how right could be the answer suggested by Raab's contribution. For what we may need is not an imitation of the Six O'Clock News unconvincingly posturing as its substitute, but a radical departure from all the confinements of its formula.

I would not argue that life would be easier for "The 51st State" if it tried to tell just one story for its half hour every night; life would in fact be more desperate, but at least it would promise genuine adventure. And it might give us feelings for a long time unaroused and tell us something we did not know, besides those weather forecasts that are equally available in a dozen other places and equally untrustworthy in them all

## (HELLBOX)

continued from page 2

*ad hoc* Journalists for Professional Equality—are expected to picket the affair, protesting the club's membership policy of excluding women journalists.

This year, in an attempt to counter rising criticism of its discriminatory practices, the club has decided to open up its previously stag dinner to 17 prominent Washington women. So far, ten of these women have declined, including, Mrs. Richard Nixon, Mrs. Spiro T. Agnew, Sen. Margaret Chase Smith (R-Me.), Catherine May Bedell, chairwoman of the U.S. Tariff Commission, Marina V.N. Whitman, a member of the President's Council of Economic Advisors, Katharine Graham, publisher of The Washington Post, anthropologist Margaret Mead, Mrs. Martin Luther King, Jr., Rep. Shirley Chisholm (D-N.Y.) and Virginia Knauer, the President's consumer affairs advisor. All but the latter two refused without comment. Representative Chisholm, however, in a statement against racism and sexism within the media, denounced the invitation as a "lame, token gesture" and said, "Gridiron—guess who's not coming to dinner?" Knauer said that accepting the invitation "would mean acceptance of an organization which excludes many competent women journalists who are equal to or superior to present Gridiron members."

Those women who have accepted invitations include Rep. Martha Griffiths (D-Mich.), who has been one of Capitol Hill's most vocal advocates of equal rights for women, historian Barbara Tuchman, Rep. Leonor K. Sullivan (D-Mo.), who has been a longtime Congressional foe of the proposed equal rights amendment, Mrs. Alice Roosevelt Longworth, the daughter of Theodore Roosevelt, Rep. Edith Green (D-Ore.), and Helen Delich Bentley, a former newspaperwoman who is now chairwoman of the U.S. Maritime Commission, and Nancy Hanks, chairwoman of the

National Endowment for the Arts.

Journalists for Professional Equality this year sent out a letter to all potential guests, signed by 251 journalists, urging them to denounce sex discrimination by refusing to attend the dinner. Presidential candidates Edmund Muskie and George McGovern both declined invitations to the dinner and, in letters to Gridiron Club members, condemned the club's sexist policies. (McGovern, incidentally, did the same thing last year.) The *ad hoc* group has also disputed the Gridiron's contention that it is a purely social club—and is therefore free to exclude women—by pointing out that members deduct dues and other club expenses from their income tax. Such deductions are permissible only when a club is used primarily for business purposes.

As if to compound the offenses committed by the Gridiron, the American Society of Newspaper Editors, which holds its convention in Washington in mid-April, has invited club members to perform their dinner entertainment at the ASNE's closing banquet. The Gridiron has accepted.

## (MORE)

Late last year, The Washington Post defied the White House and broke the ground rules, identifying Henry Kissinger as the source of the unattributed statement that Nixon might cancel the Russia trip if the Soviets didn't restrain India in the Pakistan Civil War. In refusing to let his newspaper act as a conduit for a trial balloon, executive editor Benjamin C. Bradlee wrote: "We are convinced that we have engaged in this deception and done this disservice long enough." He went on to say he had instructed reporters to insist that every means available be used to make sure that government news be attributed. On December 16, Post reporter Stanley Karnow walked out of a State Department briefing rather than listen to material "on background."

On March 2, however, the Post ran a story under Karnow's byline headlined U.S. INSISTS IT YIELDED NOTHING TO CHINA: OFFICIALS STRESS LONG TERM IN ASSESSING RESULTS. This was another Henry Kissinger backgrounder giving the administration's interpretation of what the Nixon China blitz accomplished. And this time, Kissinger was "An administration official, who declined to be identified."

In his December statement, Bradlee allowed for "contacts with government officials and other news sources initiated by reporters of The Washington Post." He said, "these contacts will continue on an independent, individual basis, under terms understood and accepted by the reporter and the news source." In this case, however, the loophole isn't big enough. The post-China backgrounder was initiated by Peter Lisagor of the Chicago Daily News and Hugh Sidey, Time-Life's bureau chief, not by a Post reporter, and it was a meeting between Kissinger and the reporters who returned with the President, not a one-to-one encounter.

"You've got to be flexible about it," Karnow explained, adding that he favors either a flexible approach or a total rule that you can't accept anything on background. "It depends on whether you think the substance is more important than the identification. When Kissinger uses the press to warn the Russians, I agree it should be violated," Karnow said. In this case, he used Kissinger's statements to counter right-wing criticism of a sell-out.

James McCartney of the Knight newspapers, and the Boston Globe (which hadn't been invited to the backgrounder) identified Kissinger by name. The Post picked up McCartney's story the next day, perhaps an admission that it had erred.

## (MORE)

The setting is his Montana ranch, and a horse stands behind him as he speaks. "For years I reported the news," intones the man in the flannel shirt. "Now I am about to take on another assignment. To tell the story of an airline. An airline with a story to tell." The familiar speaker is Chet Huntley, the former NBC anchorman and now the star of a \$3 million TV and radio ad campaign for American Airlines. According to Advertising Age, the campaign is designed to prepare viewers for a Huntley-hosted series to be called "The American Experience," which will be sponsored by the airline when it makes its debut next fall.

Doyle Dane Bernbach, the agency responsible for the ads, declined to provide (MORE) with the text of the kick-off ad quoted above. "Chet is very sensitive about this," said account executive Peter Falcone. Obviously, both Doyle Dane and American expect to cash in on Huntley's credibility. "He is highly respected and very believable because he is known as a reporter," an American official told Ad Age.

To further assist the viewer's memory, the first commercial (which is no longer being aired), has Huntley saying "goodnight" and looking over to the side as if to cue his former co-anchorman, David

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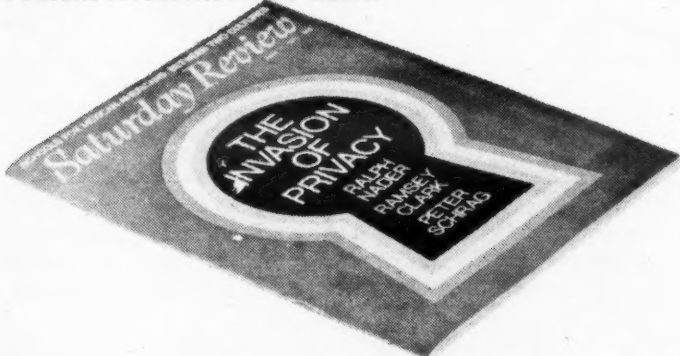
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AO83



Brinkley. He smiles and repeats his "goodnight." And what does Brinkley think of Huntley's new "assignment?" "I wish he had not done them," says the ever-laconic newsman. Goodnight, Chet.

## (LETTERS)

Thomas Gordon Plate is guilty of sloppy research, it not the cheap shot, in his piece on defense reporting entitled "Once More Into the Gap" (December, 1971). He dismisses *The Washington Post's* intensive coverage of defense affairs by reaching all the way to London to quote a dispatch by our correspondent there, who does not specialize in military coverage, on a release by Jane's. He ignores the fact that *The Post* has been enlightened enough about the importance of in-depth defense coverage to assign two of its Washington reporters to the beat, full time.

Further, that team (Michael Getler and myself) does exactly what Mr. Plate complains is not being done: look at the issues carefully and challenge the assumptions. The most cursory examination of *The Post's* coverage in just 1971, for example, would have revealed to Mr. Plate that we told our readers of Soviet slowdowns as well as buildups in missilery; wrote a series on defense issues of the 1970's, including a challenge to the U.S. Navy alarms about the Soviet Navy and a critique on air defense (only two of more than a dozen issues covered in special lengthy articles on top of the regular examination of military affairs as they unfolded). Congressional staffs used the material extensively in challenging the Pentagon budget.

Also, it was *The Post's* Bernard Nossiter who told the public about the \$2 billion cost overrun on the C-5A airplane and stuck with that story while based in Washington. In short, professional criticism is healthy and welcome. But Mr. Plate evidently found one clip to fit his pre-conceived notions about *The Post* and built his case on it. That is not professional.

— George Wilson  
*The Washington Post*  
Washington, D.C.

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Program for

# The A.J. Liebling Counter-Convention\*

April 23-24, 1972  
Martin Luther King Labor Center  
310 West 43rd Street

## SUNDAY APRIL 23

12 noon — 1:30 p.m.

### The ... New ... Journalism

Gay Talese, Gail Sheehy,  
Tom Wolfe, Albert Goldman,  
Calvin Trillin, Pauline Kael,  
Renata Adler, Benjamin  
deMott

### Democracy in the Newsroom

Ron Dorfman, Edwin  
Diamond, Leo Sauvage,  
Jacques Amalric, James  
Aronson, Emmanuel de la  
Taille, John McCormally

2:30 — 4:30 p.m.

### Covering the Campaign: The Wayward Pressbus

Jack Anderson, Marty Nolan,  
David Broder, Jeff Green-  
field, Joe McGinniss, Stephen  
Fay

### A Public Hearing on Govern- ment and the Press (co-sponsored by the Committee for Public Justice)

Sanford Ungar, Charles  
Goodell, Edwin Goodman,  
Don Singleton, Fred Graham,  
Peter Arnett, Paul Jacobs  
(Additional participants to be  
announced)

4:45 — 6:30 p.m.

### How to Challenge a TV License: The Greening of the Wasteland

Tracy Westen, Al Karger,  
Bill Wright, Erwin Krasnow,  
Everett Parker, Dr. Barry  
Cole

### Sports Reporting: Say It Ain't So

Leonard Shecter, Leonard  
Koppett, Jim Bouton, Larry  
Merchant, Roger Angell, Stan  
Isaacs, J. Anthony Lukas

8 p.m.

### How They Cover Me

Six newsmakers discuss their treatment by the media  
Moderated by Charlotte Curtis  
(Panelists to be announced)

## MONDAY APRIL 24

10 a.m. — 12 noon

### Why Journalists Leave Daily Newspapers

David Halberstam, Dick  
Schaap, A. Kent MacDougall,  
Stuart Loory, J. Anthony  
Lukas, Sidney Zion

### Can Television Cover Local News?

Nat Hentoff, Jack Willis,  
Marvin Kitman, Albert Primo  
Ralph Penza, Tony Batten

12:30 — 2 p.m.

### Luncheon Program Speaker: Tom Wicker

2:30 — 4 p.m.

### Racism, Sexism Elitism and Journalism

Studs Terkel, Jimmy Breslin,  
Roger Wilkins, Susan  
Brownmiller, Ron Porambo,  
Ernest Dunbar

### What Kind of P.M. Paper Should New York Have?

Murray Kempton, Pete  
Hamill, Blair Clark, David  
Gelman, Bill Woodward,  
Nora Ephron

4:30 — 6 p.m.

### Should There Be A Women's Page?

Gloria Steinem, Lynn Sherr,  
James Brady, Enid Nemy,  
Blair Sabol, Ida Lewis

### Alternative Media

Jack Newfield, Mary Perot  
Nichols, Tom Forcade, Bob  
Singer, Thea Sklover, Vin  
McLellan

8 p.m.

### Awards

Presentation of the First A. J. Liebling Award will be made by  
Jean Stafford Liebling.

### Can the Muckraking Tradition Be Revived?

I.F. Stone, Seymour Hersh, Morton Mintz, Peter Davis,  
James Ridgeway, Justin Kaplan

\*Program subject to last-minute changes



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 Jim Bouton  
 Blair Clark  
 Barry Cole  
 Charlotte Curtis  
 Peter Davis  
 Emmanuel de la Taille  
 Benjamin deMott  
 Edwin Diamond  
 Ron Dorfman  
 Ernest Dunbar  
 Nora Ephron,  
 Stephen Fay  
 Tom Forcade

Dave Gelman  
 Albert Goldman,  
 Charles Goodell,  
 Edwin Goodman  
 Fred Graham,  
 Jeff Greenfield  
 David Halberstam  
 Pete Hamill,  
 Nat Hentoff  
 Seymour Hersh,  
 Stan Isaacs  
 Paul Jacobs  
 Pauline Kael  
 Justin Kaplan  
 Murray Kempton  
 Marvin Kitman  
 Leonard Koppett  
 Al Kramer  
 Erwin Krasnow,  
 Ida Lewis  
 Stuart Loory  
 J. Anthony Lukas  
 John McCormally  
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 Vin McLellan  
 Larry Merchant,  
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 Enid Nemy,  
 Jack Newfield  
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 Martin Nolan  
 Everett Parker  
 Ralph Penza  
 Ron Porambo  
 Albert Primo  
 James Ridgeway  
 Blair Sabol  
 Leo Sauvage  
 Dick Schaap  
 Leonard Shecter  
 Gail Sheehy

Lynn Sherr  
 Bob Singer  
 Don Singleton  
 Thea Sklover  
 Gloria Steinem  
 I.F. Stone  
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